

ANS has proposed specific rules for governing operation by displaced 2 GHz users in the bands above 3 GHz. ANS also has requested that the Commission defer various comment periods and consolidate its proposal with the NPRM and myriad other related proceedings so the public could address all issues associated with the proposed 2 GHz reallocation in a coherent manner.

Unfortunately, no action has been taken on ANS' request to defer comments, filed over two weeks ago, or on its proposed rules. In its desire to clear the 2 GHz band for emerging technologies, the Commission not only is ignoring the needs of the potentially displaced 2 GHz fixed microwave users, it is failing to take advantage of an opportunity, provided by ANS, to accommodate these conflicting demands on the spectrum.

In a Petition for Rule Making, filed May 22, 1992 ("ANS Petition"), ANS proposes rules for how the displaced microwave users would operate. Such rules include provision for co-primary use of all available bands by common carriers and by private op-fixed users, eligibility, band channelization to accommodate low capacity systems, modulation efficiency standards and minimum channel loading requirements, minimum path length requirements, frequency coordination criteria, and antenna standards.

Furthermore, with the goal of facilitating Commission consideration of these various pleadings, expediting resolution of the proposals made in the NPRM regarding the 2 GHz band, and promoting a singular useful record for Commission evaluation to ensure that the public interest will be served, on May 11, 1992, ANS filed a Request to Defer Comment Dates ("Request"). In the Request, ANS seeks Commission deferral of comments in the captioned proceeding, the NPRM, and any related proceedings and it seeks consolidation of these pleading periods with the pleading period for the ANS Petition.

Notwithstanding support for its grant from UTC and API, two of the principal user groups affected by the NPRM, the Commission has delayed action on the Request. ANS

has presented the Commission with the right menu for consideration of the 2 GHz reallocation. The Commission's failure to take advantage of ANS' proposals, in the Petition and in the Request, only harms the public by depriving it the opportunity for evaluating whether the 2 GHz reallocation would work.

Existing and prospective fixed microwave users do not deserve such treatment. These users, such as local exchange carriers, cellular telephone companies, utilities, railroads, petroleum companies, financial institutions, and state and local governments, need microwave systems to provide necessary and reliable service. These users are essential to the provision of health care, public safety, and important commercial services. Postponing consideration of rules that would govern their operation in the bands above 3 GHz is not in the public interest.

To ensure the continued availability of these critical fixed microwave services and to optimize spectral efficiency, ANS, in its Petition, proposes:

1. Reallocation of the 3.6-3.7 GHz band, currently allocated on a shared basis to government use (aeronautical radionavigation and radiolocation on a primary basis) and to non-government use (fixed satellite downlink on a primary basis and radiolocation on a secondary basis), so that fixed point-to-point non-government service could be provided by private op-fixed and common carriers on a co-primary basis.
2. Reallocation of the point-to-multipoint section of the 10.55 to 10.68 GHz band to permit point-to-point applications by both private-op fixed and common carriers on a co-primary basis.
3. Reallocation of the following bands to permit use by both private op-fixed and common carriers on a co-primary basis:
 - 4 GHz (3.7-4.2 GHz).
 - Lower 6 GHz (5.925-6.425 GHz).
 - Upper 6 GHz (6.525-6.875 GHz).
 - 11 GHz (10.7-11.7 GHz).

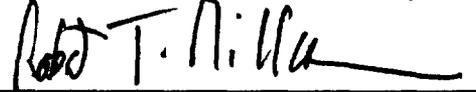
4. **Specific rule changes to Parts 2, 21, 25 and 94, which would:**

- **effectuate such proposed reallocations;**
- **define eligibility;**
- **prescribe band channelization, minimum path lengths, minimum channel loading, and minimum capacity for bandwidth used;**
- **establish frequency coordination criteria; and**
- **establish antenna standards.**

For the foregoing reasons, ANS supports UTC's Petition. More importantly, ANS hopes the Commission will point its compass towards the public interest by immediately granting the Request, at least with respect to comments on the NPRM, and placing the ANS Petition on Public Notice for comment.

Respectfully submitted,

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