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Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 2, 21, 25 and 94 of the Commission's Rules to Accommodate Common Carrier and Private Op-Fixed Microwave Systems in Bands Above 3 GHz	)	RM-8004

To: The Commission

ORIGINAL FILE

COMMENTS OF THE
UTILITIES TELECOMMUNICATIONS COUNCIL

Pursuant to Section 1.405 of the Commission's Rules, the Utilities Telecommunications Council (UTC) hereby submits the following comments with respect to the above-referenced "Petition for Rulemaking" (Petition) filed by Alcatel Network Systems, Inc. (Alcatel).[1/]

UTC generally supports the Alcatel petition, as its subject matter is nearly identical to that of UTC's March 31, 1992, "Petition for Rulemaking," RM-7981.[2/] Both petitions were prompted by the FCC's Notice of Proposed Rulemaking (NPRM) in ET Docket No. 92-9, wherein the Commission proposes to reallocate

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[1/] Alcatel's Petition for Rulemaking was placed on Public Notice June 2, 1992, DA 92-705.

[2/] UTC's Petition for Rulemaking was placed on Public Notice May 1, 1992, FCC mimeo no. 22934.

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220 MHz of spectrum in the 1850-2200 MHz (2 GHz) band for emerging technologies. In its NPRM the Commission proposes to relocate the existing private and common carrier 2 GHz microwave users to microwave bands above 3 GHz.

The primary thrust of Alcatel's petition, like UTC's, is that the Commission's NPRM to establish a "spectrum reserve" in the 2 GHz microwave band does not adequately address the need for suitable replacement spectrum with appropriate technical characteristics to be in place and available for all displaced 2 GHz microwave users. The Alcatel petition, like the UTC petition, requests commencement of a rulemaking proceeding to address the technical and coordination rules which would have to be amended to make additional spectrum available for: (1) existing 2 GHz systems that would be displaced by new, emerging technologies, (2) new or modified systems that would have been licensed in the 2 GHz band but for the FCC's new, secondary-only, licensing policies for the 2 GHz band, and (3) new systems that might not be accommodated in other, higher microwave bands due to the migration of currently-licensed 2 GHz private and common carrier microwave systems.[3/]

[3/] As noted in UTC's Petition and in its Comments in Docket 92-9, UTC does not endorse the "spectrum reserve" concept and believes that if the FCC pursues this proposal, it should do so in other bands. Nevertheless, since the FCC has proposed reallocating the private microwave spectrum in the 2 GHz band, UTC believes it is incumbent upon the FCC to consider whether the proposed relocation (continued...)

Specifically, Alcatel proposes amendments to the Commission's Rules to reallocate the 3.6-3.7 GHz, 3.7-4.2 GHz, 5.925-6.425 GHz, 6.525-6.875 GHz, 10.55-10.68 GHz and 10.7-11.7 GHz bands to permit sharing of these bands by private and common carrier microwave systems. The petition also proposes amendments that would define eligibility, channelization, minimum path lengths, modulation efficiency standards, minimum channel loading requirements, frequency coordination criteria, and antenna standards for these bands. The development and adoption of such plans and proposed technical requirements is precisely what UTC has argued would be a necessary condition precedent to any reallocation of the 2 GHz band. Thus, UTC believes that full consideration of the Alcatel proposals in the context of a Commission rulemaking based on both UTC's and Alcatel's petition is warranted.[4/]

[3/](...continued)
bands are indeed suitable for private microwave systems. If the FCC is unable, or unwilling, to make the necessary changes, then it is even more apparent that the 2 GHz band is not an appropriate candidate for the spectrum reserve.

[4/] It is unfortunate that the Commission did not adopt Alcatel's proposal for a unified comment date for Docket 92-9, the UTC Petition and the present rulemaking petition. Based on the general support already expressed for UTC's Petition, it seems apparent the FCC's decision to treat each of these matters separately will only serve to delay something that is generally conceded should have been done at or before the release of the NPRM in Docket 92-9.

While UTC generally endorses Alcatel's proposals it is concerned that the legitimate distinctions between the Common Carrier Microwave Service and the Private Operational Fixed Microwave Service not be entirely eliminated to the detriment of private microwave users. Specifically, UTC is absolutely opposed to any degradation of the existing private microwave interference standards. As UTC pointed out in its petition, the current common carrier microwave interference standards do not provide the degree of protection that many public safety/public service microwave systems require. If the bands above 3 GHz are to be shared by both private and common carrier microwave users, new interference criteria will need to be adopted. UTC does not object to the Telecommunications Industry Association's handling of this issue so long as private and common carrier representation on the committee is balanced, and that appropriate standards are developed prior to any clearing of the 2 GHz band by the FCC.

Another issue of concern to UTC is the frequency coordination criteria to be utilized in the bands above 3 GHz. Alcatel suggests that the frequency coordination procedures of Part 21 for the Common Carrier Microwave Service should be applied to all of the microwave bands above 3 GHz. To date, UTC has not seen any evidence that would suggest that the existing coordination procedures of Part 94 are anything less than

satisfactory for private microwave users. Absent a demonstration of need UTC does believe that the added expense and delay of Part 21 coordination requirements are necessary in the private microwave bands. Instead, UTC suggests that, amendment of the eligibility rules notwithstanding, the existing coordination rules for each microwave band remain in place. Under this proposal, a common carrier microwave user that desires a license in the 6 GHz private microwave band would have to abide by the frequency coordination procedures of Part 94, and conversely a private microwave user that desires to be licensed in the 6 GHz common carrier band would have to abide by the frequency coordination requirements of Part 21.

Finally, UTC has some concern that Alcatel's proposals are biased toward digital technology. There is very little discussion in Alcatel's petition addressing analog loading requirements, analog fade margins or interference criteria. It is important to note that the majority of existing 2 GHz users are analog and that, at least in the immediate future, the relocation of single hops within multi-hop analog systems would preferably be accomplished through the use of analog replacements. Moreover, according to the FCC's database approximately 94 percent of existing 6 GHz private microwave is analog. Accordingly, the impact on the use of analog microwave equipment should be explicitly addressed in any Commission

rulemaking regarding the microwave bands above 3 GHz.

Conclusion

Apart from the concerns mentioned above, UTC is in general agreement with the proposals contained in Alcatel's petition. UTC therefore urges the Commission to defer any further action in Docket 92-9 and initiate a separate rulemaking to incorporate the proposals contained in the UTC and Alcatel petitions. Specifically, the FCC should issue a rulemaking to: (1) make the 1710-1850 MHz band and the fixed microwave bands above 3 GHz available for licensing in the Private Operational Fixed Microwave Service under Part 94; and (2) set appropriate technical standards and channeling plans to make these bands usable by private microwave systems that are displaced from the 2 GHz band, and for those new systems that would have been located in the 2 GHz band but for the Commission's spectrum reserve proceeding.

WHEREFORE, THE PREMISES CONSIDERED, the Utilities Telecommunications Council respectfully requests the Commission to take action consistent with the views expressed herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Nancy R. Thompson, a secretary with the Utilities Telecommunications Council, hereby certify that a copy of the foregoing comments was sent by postage-paid mail, this 2nd day of July, 1992, to the following:

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