

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

RECEIVED

In the Matter of )  
 )  
Amendment of Parts 2, 21, 25 and 64 ) RM-8004  
of the Commission's Rules to )  
Accommodate Common Carrier and )  
Private Operational Fixed Microwave )  
Systems in Bands Above 3 GHz )

JUL - 2 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**ORIGINAL**  
**FILE**

COMMENTS OF THE LARGE PUBLIC POWER COUNCIL

The Large Public Power Council ("LPPC"), by its undersigned counsel, hereby responds to the Commission's invitation set forth in the Public Notice released June 2, 1992 (DA 92-705), to comment on the Petition for Rulemaking (hereinafter "Petition") filed on May 22, 1992, by Alcatel Network Systems, Inc. ("Alcatel").

Alcatel's Petition was prompted by the Commission's Notice of Proposed Rulemaking, 7 FCC Rcd 1542 (ET Docket No. 92-9) ("NPRM"), in which the Commission has proposed to reallocate 220 MHz of spectrum between 1.85 and 2.20 GHz for "emerging telecommunications technologies." To accommodate these new technologies, the Commission is proposing to require the current users of these frequencies, including fixed microwave users, to relocate to higher bands.

In its Petition, Alcatel takes the position that the Commission's proposed action is premature; that the current rules governing use of the higher bands proposed for relocation render

No. of Copies rec'd 0 + 4

such bands unsuitable for use by fixed microwave users; and that the Commission must not require removal of fixed microwave operators from the 2 GHz band unless and until the Commission adopts specific rules that would render the use of those higher bands compatible with the needs of the fixed microwave users.

LPPC has a vital interest in the Commission's proposed spectrum reallocation in ET Docket No. 92-9; in light of the extensive use of private operational fixed microwave facilities by LPPC's member utilities. LPPC is in general agreement with the thrust of Alcatel's Petition.

LPPC is in complete agreement, for example, with Alcatel's view of the incompatibility of the higher bands for use in private fixed microwave operations and the chaos that will result if the Commission follows its present course:

The bands above 3 GHz primarily are channelized for high-capacity systems. However, the 2 GHz bands are populated mostly by low and medium capacity systems. Provision must be made in the bands above 3 GHz for the displaced low and medium capacity systems without wasting spectrum. Proposing a "blanket" waiver and relying upon users to establish ad hoc channelization plans is unwise. An affirmative channelization plan must be established. Otherwise, chaos could result and efficient use of spectrum would be jeopardized.

Alcatel Petition at 17. LPPC concurs fully.

LPPC also agrees with Alcatel regarding the shortcomings of the Commission's staff study that provided the basis for the proposal in the NPRM,<sup>1/</sup> as well as the need to develop a record

---

<sup>1/</sup> "The OET Study is limited in its scope. Scant consideration is given to the availability of alternative bands for fixed microwave users or for emerging technologies." Alcatel Petition at 26, footnote omitted.

in advance of taking any action in ET Docket No. 92-99 which demonstrates that bands above 3 GHz will accommodate displaced fixed microwave users.<sup>2/</sup>

While agreeing with the principal thrust of the Petition, LPPC does have some reservations about certain aspects of Alcatel's proposal. One is Alcatel's assumption regarding use of the federal spectrum; in its Petition, Alcatel stated that:

In developing its proposed rules, [Alcatel] assumes it is highly unlikely that the federal government would surrender any of its exclusive spectrum to accommodate private sector needs, especially for the services contemplated under the NPRM.

Alcatel Petition at 21, footnote omitted. As stated in LPPC's Comments in ET Docket No. 92-9, use of federal government spectrum in the bands 1710-1850 MHz and 2200-2290 MHz is the most logical and least disruptive means for resolving the issues raised by the Commission's spectrum reallocation proposal. LPPC is unwilling to assume that the federal government would be so arbitrary and self-serving as to refuse to reallocate spectrum for its own operations while, at the same time, ordering the wholesale reallocation of spectrum used by electric utilities, pipelines, railroads and other essential industries. In short, LPPC continues to believe that proper deployment of federal spectrum can obviate the need for a forced migration of railroads, electric utilities and others to higher frequencies,

---

<sup>2/</sup> Warning of "catastrophic effects on the public welfare," Alcatel states that, "Without careful, prudent and deliberate consideration of how these users will operate, migrating them to other bands could cause major disruptions in service." Alcatel Petition at 26-27.

which will, in turn, eliminate the need for the rule changes proposed by Alcatel in its Petition.<sup>3/</sup>

In conclusion, LPPC agrees with Alcatel that the Commission's proposal to require 2 GHz fixed microwave users to relocate to higher frequencies simply will not work unless and until the Commission undertakes a complete revision of the rules governing the use of those higher frequencies. At the same time, LPPC continues to believe that the forced relocation of 2 GHz incumbents is not necessary and that the Commission can find

---

<sup>3/</sup> LPPC's other reservations about Alcatel's proposal pertain principally to the technical details regarding channel bandwidth and numbers of channels in particular bands. Because of the markedly disparate operational needs of common carriers and private microwave operators, great care is needed in establishing a framework for coexistence which takes into account not only the present but future needs of common carriers and private microwave users. Given the short period of time in which the Alcatel proposal has been available for review and study, LPPC has not analyzed in detail the specific channelization plan set forth in Attachment 1 to Alcatel's Petition. LPPC assumes that full opportunity for detailed review and comment will be afforded in the event the Commission were to propose rules similar to those recommended by Alcatel.

other ways to accommodate the competing needs that have been identified in ET Docket No. 92-9.

Respectfully submitted,

LARGE PUBLIC POWER COUNCIL

By   
Thomas J. Keller

VERNER, LIIPFERT, BERNHARD,  
McPHERSON AND HAND, CHARTERED  
901 15th Street, N.W.  
Suite 700  
Washington, D.C. 20005  
(202) 371-6060

Its Attorneys

July 2, 1992

CERTIFICATE OF SERVICE

I, Norma E. Rusnak, a secretary in the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, do hereby certify that the attached "Comments of The Large Public Power Corporation" were mailed, this 2nd day of July, 1992, to each of the following:

The Honorable Alfred C. Sikes  
Chairman, Federal Communications Commission  
1919 M Street, N.W., Room 814  
Washington, D.C. 20554

The Honorable James H. Quello  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 802  
Washington, D.C. 20554

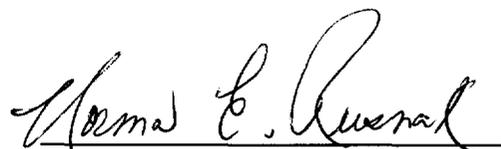
The Honorable Sherrie P. Marshall  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 826  
Washington, D.C. 20554

The Honorable Andrew C. Barrett  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, D.C. 20554

The Honorable Ervin S. Duggan  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
Washington, D.C. 20554

Dr. Thomas P. Stanley, Chief  
Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, N.W., Room 7002  
Washington, D.C. 20554

Robert J. Miller  
Gardere & Wynne, L.L.P.  
A Registered Limited Liability  
Partnership  
1601 Elm Street -- Suite 3000  
Dallas, Texas 75201

  
Norma E. Rusnak