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92-9/

June 14, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: ET Docket No. 92-9

Dear Ms. Searcy:

Submitted herewith, on behalf of our client, Microwave Networks Incorporated, are an original and five copies of its Comments in ET Docket No. 92-9.

The enclosed Comments are being filed in response to the Commission's Public Notice of May 28, 1993, entitled "Comment Requested On Supplemental Alcatel Filing", DA 93-603.

Please direct any inquiries concerning this submission to the undersigned.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS &
HANDLER

By: 
Irving Gastfreund

Enclosures

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Federal Communications Commission

WASHINGTON, D.C. 20554

JUN 14 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Redevelopment of Spectrum To Encourage)	ET Docket No. 92-9
Innovation In The Use Of New)	RM-7981
Technologies)	RM-8004

TO: The Commission

COMMENTS OF MICROWAVE NETWORKS INCORPORATED

MICROWAVE NETWORKS INCORPORATED ("MNI"), by its attorneys, pursuant to Sections 1.415 and 1.419 of the Commission's Rules, hereby submits its instant Comments in response to the Commission's Public Notice of May 28, 1993 in this proceeding.¹ In support whereof, it is shown as follows:

In its Further Notice of Proposed Rule Making in ET Docket No. 92-9, 7 FCC Rcd 6100 (1992), the Commission proposed to reallocate five frequency bands above 3 GHz to private and common carrier fixed microwave use on a co-primary basis and to prescribe additional technical standards to govern use of those bands. Those proposals responded to rulemaking petitions filed by the Utilities Telecommunications Council ("UTC") (RM-7981) and

Commission's commitment that the quality and availability of service provided by the licensees now operating in the 2 GHz band not be reduced. In its Further Notice Of Proposed Rule Making in this proceeding, the Commission recognized the importance of these existing services in the 2 GHz band and stated its intention to take any steps necessary to prevent disruptions to such services. The Commission further stated that its rulemaking proposals in this proceeding were intended to ensure that alternative frequencies will be available to existing licensees in the 2 GHz band that are suitable for providing equivalent service with comparable reliability. Consequently, in the Further Notice of Proposed Rule Making, the Commission proposed channelizing five microwave bands above 3 GHz to reallocate those bands to accommodate private and common carrier licensees currently using frequencies in the 2 GHz band, which frequencies are under consideration for use by Personal Communications Services ("PCS") and other emerging technologies. See Further Notice Of Proposed Rule Making In ET Docket No. 92-9, supra; First Report and Order and Third Notice of Proposed Rule Making in ET Docket No., 92-9, 7 FCC Rcd 6886 (1992); Notice Of Proposed Rule Making In General Docket No. 90-314 and in ET Docket No. 92-100, 7 FCC Rcd 55676 (1992).

On May 20, 1993, Alcatel filed Supplemental Comments amending its previous channelization proposal for the five microwave bands above 3 GHz which were proposed by the Commission

2. Retain the 800 and 400 KHz channel bandwidths proposed in the Alcatel Modified Plan;
3. Adopt the spectrum efficiency requirements from the Joint Commenters' Plan for narrow band systems (5 MHz or less) and adopt the spectral efficiency requirements for wide band systems (10 MHz and greater) from the Alcatel Modified Plan;
4. Relocate 3.75 MHz channels so they will not block multiple 5 MHz and 10 MHz channels;
5. Remove 40 MHz wide channels (originally proposed by the Joint Commenters), retain 10 MHz and 20 MHz channels, and remove narrow band channels in the 4 GHz band;
6. Remove temporary 15 MHz channels from the 6 GHz common carrier band (originally proposed by the Joint Commenters); however, during the transition period of 3.5 years to the new spectrum efficiency requirements, the 1/N rule (Section 21.122(a)(3) of the Commission's Rules) should remain applicable and thus allow for the subdivision of the 30 MHz channels into 15 MHz channels into 15 MHz channels for 1 DS3 capacity;

7. Adopt the upper 6 GHz and 11 GHz band channelization from the Alcatel Plan; however, during the transition period of 3.5 years to the new spectrum efficiency requirements, the 1/N rule (Section 21.122(a)(3) of the Commission's Rules) should remain applicable and thus allow for the subdivision of the 40 MHz channels into 20 MHz channels for 1 DS3 capacity;
8. Add narrow band channels to the 11 GHz band, as proposed by the Joint Commenters, and relocate these channels so they will not overlap more than two wide band 30 MHz or 40 MHz channels; and
9. Optimize the access to the maximum number of 10 GHz channels, as advocated by the Joint Commenters (10,550 - 10,680 MHz).

Moreover, MNI recommends certain modifications to Alcatel's Compromise Plan, as set forth below:

- a. Alcatel proposes, as part of its Compromise Plan, that microwave users be given the option to concatenate multiple contiguous channels. MNI respectfully submits that such concatenation should only be allowed when no other channels are available, and then only on center frequencies already in the frequency band;

- b. Alcatel recommends, as part of its Compromise Plan, that the spectrum efficiency requirements be phased in after a two-year transition period. MNI respectfully submits that the public interest would best be served if the spectrum efficiency requirements were phased in after a 3.5-year transition period in order to avoid unnecessary dislocations and disruptions.

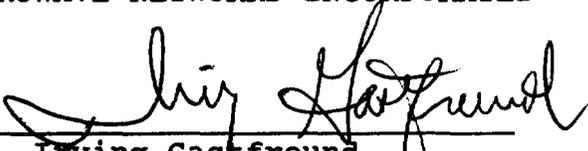
- c. Although the issue of initial channel loading was not discussed in Alcatel's Compromise Plan, the issue was addressed in Alcatel's Modified Plan. MNI supports and endorses Alcatel's recommendation that 50 percent channel loading be achieved after a period of five years.

MNI respectfully submits that adoption by the Commission of the proposals set forth above will serve the public interest, convenience and necessity by assuring that the quality and availability of service provided by private and common carrier fixed microwave licensees now operating in the 2 GHz band will not be reduced as a result of relocation to frequency bands above

3 GHz. Accordingly, MNI respectfully submits that the proposals set forth hereinabove be adopted by the Commission.

Respectfully submitted,

MICROWAVE NETWORKS INCORPORATED

By: 

Irving Gastfreund
Kaye, Scholer, Fierman, Hays &
Handler
901 15th Street, N.W.
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Its Attorneys

June 14, 1993

CERTIFICATE OF SERVICE

I, Mary Odder, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, hereby certify that on this 14th day of June, 1993, I have caused a copy of the foregoing "Comments Of Microwave Networks Incorporated" to be hand-delivered or to be sent via first-class United States mail, postage prepaid, to the following:

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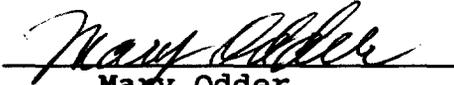
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