

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

In the Matter of )  
)  
Amendment of the Commission's )  
Rules to Establish New Personal )  
Communications Services )

GEN Docket No. 90-314  
ET Docket No. 92-100

To: The Commission

REPLY COMMENTS

FEDERAL COMMUNICATIONS  
COMMISSION  
SECRETARY

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RECORDED

Alcatel Network Systems, Inc. ("ANS"), by its attorney, hereby replies to comments on an Emergency Petition ("Petition") in the above-captioned proceeding, filed September 13, 1993, by Apple Computer, Inc. ("Apple").<sup>1</sup>

In its Petition, Apple requests adoption of various measures to facilitate implementation of "nomadic" Data-PCS. Apple proposes reserving two or more 10 MHz channels in the 1850-1990 MHz band for at least five years to accommodate microwave incumbents which have "retuned" their systems for use in this band pending possible relocation to bands above 3 GHz. It also proposes allocating the 1910-1930 MHz band exclusively for nomadic Data-PCS.

**I. RETUNING IS UNACCEPTABLE**

As set forth in its comments, ANS opposes retuning because it is too complex, disruptive to microwave operations, and costly; because microwave equipment needed for retuning generally is unavailable; and because there is no evidence in the record that retuning would be less expensive than relocation, that it is technically feasible, or that it would not adversely affect

<sup>1</sup>In an October 22, 1993, Public Notice (DA 93-1278), the Commission invited comments on November 8, 1993, and reply comments on November 19, 1993, in response to the Petition.

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other microwave operations in the 2 GHz band. Parties commenting on Apple's retuning proposal almost unanimously agree with ANS.<sup>2</sup>

Indeed, even Apple recognizes the writing on the wall. In its comments, Apple retrenches by advocating only "consensual" retuning and by withdrawing its proposal to reserve spectrum in the 1850-1990 MHz band to accommodate microwave incumbents which have "retuned" their systems.<sup>3</sup>

ANS appreciates Apple's open-minded approach. As reflected in the record, adoption of Apple's retuning proposal is premature and unnecessary.

## **II. ALLOCATING THE 1910-1930 MHz BAND EXCLUSIVELY FOR NOMADIC DATA-PCS IS UNACCEPTABLE**

In its decision establishing regulations for PCS in the 2 GHz band, the Commission allocates 40 MHz (1890-1930 MHz) for unlicensed PCS, dividing this band between devices operating in asynchronous (1900-1920 MHz) and isochronous (1890-1900 and 1920-1930 MHz) transmissions.<sup>4</sup> Apple seeks to revise this allocation so that the less congested 1910-1930 MHz band would be devoted exclusively to nomadic Data-PCS:

Unlicensed, nomadic PCS applications, such as Data-PCS, provide by far the most beneficial opportunities for emerging technologies. However, by their very

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<sup>2</sup>See November 1993, comments filed in GEN Docket No. 90-314 by Northern Telecom Inc. ("Northern Telecom") at 7 n.6; MCI Telecommunications Corporation at 2-3; American Personal Communications ("APC") at 2-4; Comsearch at 1-2; The Utilities Telecommunications Council at 4. See also November 1993, comments filed regarding the Third Report and Order and Memorandum Opinion and Order in ET Docket 92-9 by Cox Enterprises, Inc. at 9-10; American Petroleum Institute at 7-8; AT&T at 6-8. Only Microsoft Corporation, in its comments in GEN Dkt. 90-314, filed Nov. 8, 1993, at 3, supports Apple's retuning proposal.

<sup>3</sup>See Comments of Apple Computer, Inc., GEN Docket No. 90-314, filed Nov. 8, 1993, at 2 n.4 ("Apple PCS Comments"); Comments of Apple Computer, Inc., ET Docket No. 92-9, filed Nov. 8, 1993, at 3.

<sup>4</sup>Amendment of the Commission's Rules to Establish New Personal Communications Services, Second Report and Order, GEN Dkt. No. 90-314 (FCC 93-451, released Oct. 22, 1993) ("PCS Order") at paras. 79-92.

nomadic nature, they require nationwide cleared spectrum, as they can be used anywhere and present an interference threat to any microwave receiver remaining in the band. No "checkerboard" clearing or other localized coordination process overcomes that threat: the "last link" must be cleared nationwide before any truly nomadic device can be sold.

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Of the 2 GHz spectrum proposed for emerging technologies, only the 1910-1930 MHz band offers any realistic potential for such nationwide clearing in any reasonable time period. Re-accommodating the comparatively small number of users in the 1910-1930 MHz band is a daunting task, but it is possible, while rapid nationwide clearing of other bands is not.

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The Commission should, therefore, allocate frequencies that can be cleared readily for nomadic devices and allocate frequencies for non-nomadic systems in bands where they can be deployed rapidly using frequency coordination techniques.<sup>5</sup>

Apple's proposal to allocate the 1910-1930 MHz band exclusively for nomadic Data-PCS suffers from the same flaw as its retuning proposal. No documented justification is presented to reserve the 1910-1930 MHz band, which is significantly less congested with microwave users than the 1890-1910 MHz band, only for nomadic PCS users. The Commission's decision, that nomadic and non-nomadic PCS users must be treated equally, by sharing the more desirable, less crowded 1910-1930 MHz band, is fair and must be retained.<sup>6</sup>

### CONCLUSION

ANS welcomes PCS. However, these new technologies must be implemented carefully to protect incumbent microwave users and to promote all forms of nomadic and non-nomadic PCS. Apple's proposals regarding retuning and regarding exclusive allocation of the 1910-1930

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<sup>5</sup>Petition at 2-3 (footnotes omitted). See also Apple PCS Comments at 2-3.

<sup>6</sup>Numerous parties share ANS' position that the allocation for unlicensed PCS made by the Commission in the PCS Order is proper and that Apple's request is unacceptable. See, e.g., comments by APC at 4-9; Northern Telecom at 8; Hewlett-Packard Company at 1-2.

MHz band for nomadic Data-PCS do not meet these goals. Thus, as demonstrated herein, these proposals must be rejected.

Respectfully submitted,

**ALCATEL NETWORK SYSTEMS, INC.**

A handwritten signature in black ink, appearing to read 'R. J. Miller', is written over a horizontal line. The signature is stylized and extends to the right of the line.

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Dated: November 18, 1993

gw03:161595

Its Attorneys

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply Comments on Emergency Petition will be served by first class mail, postage paid, on the 18th day of November, 1993.

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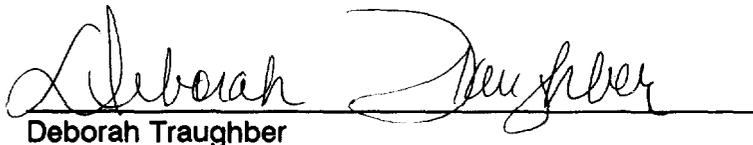
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