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

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In the Matter of )  
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Allocation of Spectrum Below )  
5 GHz Transferred from )  
Federal Government Use )

ET Docket No. 94-32

**NOTICE OF INQUIRY**

Pursuant to Section 1.430 of the Commission's Rules,<sup>1</sup> Alcatel Network Systems, Inc. ("ANS"), by its attorney, hereby comments on the above-captioned Notice of Inquiry ("NOI").<sup>2</sup>

In the Omnibus Budget Reconciliation Act of 1993 ("Budget Act"),<sup>3</sup> Congress mandated that the federal government reallocate 200 MHz of its spectrum for private sector use. Of this 200 MHz, 50 MHz initially must be reallocated.<sup>4</sup> The Secretary of Commerce ("Secretary"), in a report required under the Budget Act, proposes that this initial 50 MHz be reallocated from the 2390-

<sup>1</sup>47 C.F.R. Section 1.430 (1992).

<sup>2</sup>ANS is a wholly-owned subsidiary of Alcatel Alsthom ("Alcatel"), one of the world's largest corporations (with annual sales in excess of \$30 billion) and the world's largest manufacturer and supplier of telecommunications equipment. In particular, Alcatel is the world's largest independent manufacturer and supplier of microwave radios. Formerly Collins Radio and Rockwell International, ANS, with over \$500 million in annual sales, is a world leader in manufacturing microwave and light wave transmission systems. ANS' equipment is used for a wide range of services, including short, medium and long-haul voice, video and data transmission. Its microwave customers include all the Bell Operating Companies, most major independent telephone companies, cellular operators, power and other utility companies, oil companies, railroads, industrial companies, and state and local government agencies.

<sup>3</sup>Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, §6001(a)(3), 107 Stat. 312 (approved August 10, 1993). See also H.R. Rep. No. 103-213, 103rd Cong., 1st Sess. (1993).

<sup>4</sup>Budget Act at Section 113(e)(2)(A).

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2400 MHz, 2402-2417 MHz and 4660-4685 MHz bands.<sup>5</sup> In the NOI, the Commission seeks comment on this proposal and on how this 50 MHz should be used:

Suitable spectrum reallocated for private sector use will go far, if used wisely, to relieve spectrum congestion and provide for new technologies and services. The reallocation of spectrum to private sector use will permit the continued growth and development of advanced communications, creating new high technology jobs and economic growth. Advances in communications will also contribute to the development of the national information infrastructure which will provide American industry and consumers access to rapid and flexible information networks essential to competition in the global market. Accordingly, we seek comment as to the services to which this spectrum should be allocated and on specific rules for use of this spectrum to ensure that this spectrum is used to its maximum potential in achieving these goals.<sup>6</sup>

A spectrum crisis exists for fixed microwave users. With the reallocation of the 2 GHz band for PCS and other emerging technologies,<sup>7</sup> these microwave users are being forced to relocate to bands above 3 GHz where inadequate capacity exists.

Under these circumstances, ANS appreciates the initiative by Congress and the National Telecommunications and Information Administration ("NTIA") to increase the spectrum available for private sector use. However, it is not enough.

As a leading microwave equipment manufacturer and an active participant in related NTIA and Commission spectrum allocation proceedings,<sup>8</sup> ANS has urged that aggressive action be

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<sup>5</sup>Preliminary Spectrum Reallocation Report, U.S. Department of Commerce, NTIA Special Publication 94-27, February 1994 ("Commerce Report") at Table 5-1. See also NOI, App. A.

<sup>6</sup>NOI at para. 4.

<sup>7</sup>See First Report and Order and Third Notice of Proposed Rule Making, ET Docket No. 92-9, 7 FCC Rod 6866 (1992); Second Report and Order, 8 FCC Rod 6495 (1993); Third Report and Order and Memorandum Opinion and Order, 8 FCC Rod 6589 (1993); Memorandum Opinion and Order, 9 FCC Rod 1943 (1994), petition for further recon. pending.

<sup>8</sup>See, e.g., May 12, 1993, presentation to IRAC, "Microwave Radio Spectrum Utilization;" November 1992 Comments on NTIA's Notice of Inquiry, Current and Future Requirements for the Use of Radio Frequencies in the United States, Dkt. No. 920532-2132; May 1992 Petition for Rule Making (ET Dkt. No. 92-9, RM-8004), in which ANS proposed the necessary specific rule changes

taken to ensure that adequate spectrum is available. ANS has proposed that the Commission and NTIA coordinate their activities to more effectively manage frequency use, that they promote the use of private sector spectrum management techniques, and that they permit increased band sharing between federal and private users. However, the Secretary's proposals do not satisfy these needs.

The Fixed Point-to-Point Communication Section of the Telecommunications Industry Association ("TIA"), in comments on the NQI, states that the proposed reallocation of 200 MHz takes too long and is too fragmented to be of any use. ANS agrees.

The 4680-4685 MHz band, proposed for reallocation by the Secretary, is suitable for fixed microwave use.<sup>9</sup> At least 100 MHz is needed for a viable microwave channel plan.<sup>10</sup> However, for the 4 GHz band, the Secretary proposes reallocation of only 25 MHz. Thus, this amount of spectrum is inadequate for fixed microwave use.

The Secretary's proposals should not be etched in stone. This piecemeal approach merely satisfies the bare requirements of the Budget Act, it certainly does not provide any relief. To protect fixed microwave operations, the Commission must recommend that the Secretary revise the proposed reallocation timetable, consistent with the Budget Act, to make adequate

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to accommodate the displaced 2 GHz fixed microwave users in the bands above 3 GHz.

<sup>9</sup>The 4 GHz band currently is used, on a limited basis, for fixed microwave use. In the Commerce Report at Table 2-8, the Secretary discloses that the principal uses for fixed services in the 4400-4900 MHz band are troposcatter; medium capacity fixed links; air-ground telemetry; and military tactical and training.

<sup>10</sup>Transmit and receive channels each must be at least 10 MHz, with a 5 MHz guardband.

spectrum available in a timely manner.<sup>11</sup> In particular, ANS recommends that at least 100 MHz of spectrum in the 4 GHz band be reallocated at the same time for fixed microwave use.

Respectfully submitted,

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<sup>11</sup>The Secretary also proposes that the 4635-4660 MHz band be reallocated, on an exclusive basis, in January 1997. NOI, App. A. This 25 MHz, the 4660-4685 MHz band, and an additional block of spectrum in the 4 GHz band, should be reallocated together.