

JUN 28 1994

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Allocation of Spectrum Below ) ET Docket No. 94-32  
5 GHz Transferred from )  
Federal Government Use )

**REPLY COMMENTS**

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

In the Omnibus Budget Reconciliation Act of 1993 ("Budget Act"), Congress required that the federal government reallocate 200 MHz of its spectrum for private sector use.<sup>3</sup> In the NOI, the Commission seeks comment on how to use the initial 50 MHz that the Secretary of Commerce proposes should be reallocated from the 2390-2400 MHz, 2402-2417 MHz and 4660-4685 MHz bands.<sup>4</sup>

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

No. of Copies rec'd  
List ABCDE

*004*

In its comments on the NOL, ANS acknowledged the acute need for federal spectrum by private users. Specifically, fixed microwave users, displaced by the reallocation of the 2 GHz band for PCS and other emerging technologies, need additional spectrum. Having lost the 2 GHz band to PCS, the microwave industry is especially sensitive to all opportunities for accessing alternative spectrum. ANS urged the Commission and the National Telecommunications and Information Administration ("NTIA") aggressively to ensure that such spectrum is available. However, ANS also admonished NTIA for proposing a reallocation that essentially is useless for fixed microwave users because it is too protracted and too fragmented.

The record justifies ANS' characterization of NTIA's proposed reallocation. While support exists to reallocate the 4660-4685 MHz band for fixed use,<sup>5</sup> such support is tempered by dissatisfaction with the amount of spectrum proposed, the specific bands to be reallocated, the piecemeal approach taken, and the apparent decision by NTIA to avoid consideration of optional plans. Comments by the Telecommunications Industry Association ("TIA") highlight this flaw:

Several procedural decisions in NTIA's spectrum identification process have impaired public participation in the 200 MHz reallocation and, TIA believes, have diminished the quality of the result. For instance, NTIA officials have indicated that public comments and the ensuing FCC analysis likely will not affect the choice of the three bands at issue in the present proceeding. If this is true, 50% of the "exclusive" spectrum and one quarter of the total spectrum to be reallocated would be selected without public input. TIA believes the Commission should work with NTIA to ensure that the specific 50 MHz identified for reallocation in NTIA's proposal is not a *fait accompli*.

\* \* \* \* \*

NTIA presented exactly 200 MHz of spectrum -- that is, no other band choices -- to non-federal commenters and the Commission. Furthermore, the details of federal band use are incomplete. Although NTIA made a reasonable attempt to provide information about federal use of the bands proposed for reallocation, as well as some information on the use of adjacent bands, commenting parties were handicapped by the lack of access to the detailed federal frequency assignment records contained in the Government

---

<sup>5</sup>American Petroleum Institute ("API") at 17; Western Multiplex Corporation at 7; National Association of Business and Educational Radio, Inc. at 18.

Master File ("GMF"). Without such access, and on the basis of only the information contained in the NTIA Preliminary Report, non-federal users are not fully equipped to assess NTIA's reallocation proposals. Because the FCC has access to the GMF, the Commission is in a position to act on behalf of non-federal users to ensure that federal operations will be compatible with any non-federal services planned.

\* \* \* \* \*

NTIA has indicated that it will provide the FCC few, if any, suggestions on what specific services should be placed in the various bands to be reallocated, but that it may provide the Commission suggestions on what services should be avoided. It would have been helpful, however, if all such information had been provided in the NTIA Preliminary Report. Without such information (including specific sharing criteria), commenters were hampered in assessing the true net spectrum and associated potential use. Again, the Commission - with its superior access to federal usage information -- is in a position to act on behalf of non-federal users to help determine what new services will be compatible in the three bands. In this regard, TIA believes it is critically important that bands be identified which can support the communications requirements of public safety and large industrial users . . . .

\* \* \* \* \*

One possible way to identify alternative spectrum for immediate reallocation would be to reevaluate with NTIA any options previously rejected and whether any of the other seven bands identified for eventual reallocation can be reallocated in February 1995, or at least more quickly than proposed.<sup>6</sup>

ANS totally agrees with TIA. Fixed microwave users are being required to relocate so that PCS can be implemented. Now is the time to balance the scales. Even though a rechannelization plan has been adopted that will facilitate such relocation, inadequate spectrum exists to accommodate the new tenants of these bands.<sup>7</sup> For example, API seeks further consideration of the 4660-4685

---

<sup>6</sup>Comments of The Mobile and Personal Communications Division and the Fixed Point-to-Point Communication Section of the Telecommunications Industry Association at 13-15 (footnotes and citations omitted). See also Motorola, Inc. at 2-3 ("Motorola is concerned that the spectrum identified by the NTIA for immediate transfer will offer only limited opportunities for the development of new technologies and radio-based industries").

<sup>7</sup>Loral/Qualcomm Partnership, L.P. ("Loral") proposes that the 4660-4685 MHz band be reallocated for mobile satellite service or feeder links. Loral at 6. The Association for Maximum Service Television, Inc. ("MST") proposes that these bands be reallocated for auxiliary broadcast services. MST at 6. ANS notes that NTIA's proposal meets the narrowband needs for these services. However, the fact that the proposed reallocation is congruent with these services begs the question whether the reallocation itself is in the public interest. Given the significant shortage of spectrum

MHz band because it would be a "first step" towards accommodating the needs of migrant 2 GHz fixed microwave users:

API member companies remain profoundly concerned about the loss of fixed allocations at 1.8 GHz and 2.1 GHz in the PCS proceeding. The primary focus of this concern is that the diminution of API member companies' telecommunications capabilities adversely impacts the safe and efficient production and delivery of the nations' vital energy sources. Requirements for operational-fixed systems still exist.

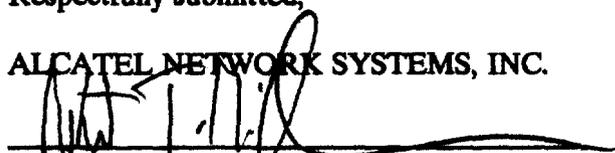
\* \* \* \* \*

The lightly loaded 4660-4685 MHz band does not contain the positive propagation characteristics which exist at 1.8 GHz and 2.1 GHz. Yet, a step toward refortifying essential services needs to be made. This first step toward refortification could be accomplished by allocating the 4660-4685 MHz band for primary fixed use by entities displaced from the bands 1.8 GHz and 2.1 GHz.<sup>8</sup>

ANS concurs with API. Nevertheless, NTIA's "proposal" should not be accepted wholecloth. A meaningful opportunity must be provided for the public and the Commission to participate in optimizing use of the reallocated 200 MHz, including the initial 50 MHz. Before final selection of the federal bands to be reallocated can be made, the Commission must work with NTIA at re-examining its proposal and at developing alternatives that will meet the needs of fixed microwave users. Otherwise, Congress' goal in making the federal spectrum available will be lost.

Respectfully submitted,

ALCATEL NETWORK SYSTEMS, INC.



Robert J. Miller  
Gardere & Wynne, L.L.P.  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201  
Its Attorney

June 27, 1994  
182134/gw03

---

available for fixed microwave use, this issue, at a minimum, requires further study before a permanent reallocation is finalized.

<sup>8</sup>API at 17 (footnote omitted).

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Reply Comments will be sent via first class mail, postage prepaid, to the following parties, on the 28th day of June, 1994:

**Wayne V. Black, Esq.**  
**Keller & Heckman**  
**1001 G Street, N.W., Suite 500**  
**Washington, D.C. 20001**  
**Counsel for American Petroleum Institute**

**Graham Barnes**  
**Director of Marketing**  
**Western Multiplex Corporation**  
**300 Harbor Boulevard**  
**Belmont, California 94002**

**Mr. Eric Schimmel**  
**Vice President**  
**Telecommunications Industry Association**  
**2001 Pennsylvania Avenue, N.W., Suite 800**  
**Washington, D.C. 20006**

**Alan F. Ciamporcero, Esq.**  
**Senior Counsel**  
**Pacific Telesis Group**  
**1275 Pennsylvania Avenue, N.W., Suite 400**  
**Washington, D.C. 20004**

**Gregory M. Schmidt, Esq.**  
**Covington & Burling**  
**1201 Pennsylvania, N.W.**  
**P. O. Box 7566**  
**Washington, D.C. 20044**  
**Counsel for Association for Maximum Service Television, Inc.**

**John T. Scott, III, Esq.**  
**Crowell & Moring**  
**1001 Pennsylvania Avenue, N.W.**  
**Washington, D.C. 20004-2505**  
**Counsel for Loral/Qualcomm Partnership, L.P.**

**David E. Weisman, Esq.**  
**Meyer, Faller, Weisman & Rosenberg, P.C.**  
**4400 Jenifer Street, N.W., Suite 380**  
**Washington, D.C. 20015**  
**Counsel for National Association of Business and Educational Radio, Inc.**

**Stuart E. Overby**  
**Manager, Regulatory Programs**  
**Motorola, Inc.**  
**1350 I Street, N.W.**  
**Washington, D.C. 20005**

**Jeff Sheldon, Esq.**  
**General Counsel**  
**Utilities Telecommunications Council**  
**1140 Connecticut Avenue, N.W., Suite 1140**  
**Washington, D.C. 20036**

  
\_\_\_\_\_

**Deborah Traugher**

**Date: June 27, 1994**

182201/gw03