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**Before the**
**Federal Communications Commission**
**Washington, DC 20554**

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

**REPLY COMMENTS OF THE**
**NORTHERN AMATEUR RELAY COUNCIL OF CALIFORNIA, INC.**

by

Its Spectrum Director

Carl Guastaferro

January 5, 1994

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List A B C D E

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TO: The Commission

## Reply Comments

### I. INTRODUCTION

In our comments dated December 13, 1994, NARCC endeavored to point out the factors which justify our position regarding the importance of the spectrum in question to the Amateur Radio Service. We identified specific areas where the NTIA's analysis was seriously deficient and made recommendations as to how the FCC should prioritize the 2.4 GHz spectrum. The key point we made was that adding new users and/or removing portions of the bands from amateur use would result in an excessive disruption to the Amateur Radio Service.

We have reviewed many of the other comments submitted and would like to offer our analysis for your consideration.

### II. DISCUSSION OF THE TYPE OF ALLOCATION

The FCC is faced with the difficult decision of whether to allocate band segments for specific uses or go for a broad and general allocation. The latter will present problems to all those who share the band. Based on the lack of interference studies, it is unclear who can co-exist with whom. Only In-Flight-Phone alluded to the possibility of sharing spectrum with the Amateur Radio Service. Many other commenters were silent on the subject and did not mention the need for interference studies. Those requesting spectrum be granted for wireless local loop service did say that the possibility of co-existence without interference was not good.

Therefore, with all the unknowns, it would seem impossible for the FCC to decide on a broad and general allocation. The bad far outweighs the good. Better not to add new user groups into band

segments already occupied by expanding services, namely the Part 15 device operators and the Amateur Radio Service.

## II. AN ANALYSIS OF COMMENTS

Of the 80+ comments submitted on 94-32, we have been able to obtain copies of about 35 of them. Predictably, they fell into the following groups:

1. Amateur Groups
2. Telephone Common Carriers
3. Part 15 Device Manufacturers and User Groups
4. Federal, State and Local Government Communications Agencies
5. Private Communications Services Manufacturers and User Groups.
6. Other Groups such as HBO and Wireless Cable (MMDS).

Each has its own goals and aspirations:

**Amateur Groups**

The position of the Amateur Radio Service was thoroughly and emphatically stated by comments made by the American Radio Relay League (ARRL). Other amateur organizations also pointed out and highlighted the important work we all do to enhance communications. All were critical of the NTIA report because it did not seek out input from the private sector as to present and future uses of the spectrum. However, all were hopeful replacement and future additional spectrum will be available to expand amateur radio operations. Although we are currently secondary users to the Federal Government in all active bands above 222 MHz, nearly all amateur commenters have requested primary allocations be part of the upcoming Report and Order. By granting us primary status, the FCC is acknowledging our rights to operate in the 2.4 GHz band and the value of the unique services we provide.

**Telephone Common Carriers**

All favored the allocation of 2300-2310 and 2390-2400 to them for wireless local loops. We found this to be a curious departure from their recent endeavors to expand their fiberoptic systems closer and closer to the end-user home or business. It serves no useful purpose other than perhaps a near-term cost saving to them. Or perhaps, they want access to additional spectrum and wireless local loop service was the only application they could come up with for the two 10 MHz band segments. Clearly, their goal of direct competition with cable TV will be better accomplished with a wide-band direct connection via fiber.

**For this reason, we urge the Commission to dismiss their request for these band segments.**

**Part 15 Device Manufacturers and User Groups**

Most commenters in this group presented compelling reasons why the FCC should not overlay new users in their 2402-2417 MHz band segment. We agree they should be allowed to expand their use of this band (as urged by the FCC). Regretfully, they do not acknowledge the fact that they have been successfully sharing the band with the Amateur Radio Service. We are willing to

share with them and as their numbers grow, the challenge will grow. However, to add other commercial users with high power devices and no apparent willingness to evaluate and track down interference is sheer folly. **We therefore respectfully request that the Commission honor their earlier commitment to allow continued expansion of unlicensed Part 15 Devices in the 2402-2417 MHz band. We reiterate our request to remain in the band as a co-primary user.**

**Comments by Federal, State and Local Government Agencies**
Comments reviewed were similar to those made to the NOI. They generally supported the proposed reallocation proposal and reiterated many worthwhile uses they had for the spectrum. However, just as before, not a single one presented any information that they had done an in-depth evaluation of interference dangers, disruption of service to existing users or in any way tried to identify existing or future use of the bands by the currently authorized non-government users. to them, these appeared to be non-issues. **Without such analysis there can be no convincing argument that their use of the band segments is of greater benefit to the Public.**

**Comments made by Private Communications Services Manufacturers and User Groups**
These followed similar lines. All described their particular use and how it might benefit the Public. Again, none offered evidence that co-existence was possible or admitted to having done an interference analysis. Only In-Flight-Phone broached the subject of co-use with other services (ours as it turns out).

**Comments by other Groups**
These were companies that had a limited specific use for portions of the spectrum in question. None offered anything new.

## III. SUMMARY AND RECOMMENDATIONS

To use a legal term, there has been no **preponderance of evidence** presented which should convince the Commission to go forward with a major reallocation. No commercial interest has come forward with a planned use which is "head and shoulders" above all others. Indeed, there is a strong likelihood adding new public and/or private users would cause considerable harm to our existing facilities and the continued success of Part 15 Devices. We both need room to grow. We ask that the Commission allow that to happen. **Our request for a primary allocation in the band 2300-2310 MHz paired with 2390-2400 MHz is made once again. We wish to maintain secondary status in the remaining portions we are currently authorized to use.**

Respectfully submitted,

Carl Guastaferro
Spectrum Director
Northern Amateur Relay Council of California Inc.