

GARDERE & WYNNE, L.L.P.
ATTORNEYS AND COUNSELORS

3000 THANKSGIVING TOWER
1601 ELM STREET
DALLAS, TEXAS 75201-4761

214-999-3000
TELECOPIER 214-999-4667

CORRESPONDENT FIRMS IN:
BELGIUM • ENGLAND • FRANCE
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713-547-3500

TULSA
2000 MID-CONTINENT TOWER
401 S. BOSTON AVENUE
TULSA, OKLAHOMA 74103-4058
918-560-2900

MEXICO CITY
SENECA NO. 425
COL. CHAPULTEPEC POLANCO
11560 MEXICO, D.F.
011(525)282-0031

WRITER'S DIRECT DIAL NUMBER

(214) 999-4219

April 4, 1995

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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Re: ET Docket No. 94-32

Dear Mr. Caton:

In the above-referenced First Report and Order and Second Notice of Proposed Rule Making ("Allocation Decision"), the Commission allocates the first 50 MHz of federal spectrum from the 200 MHz required by Congress, including the 4660-4685 MHz band.¹ Pursuant to Section 1.415 of the Commission's Rules,² Alcatel Network Systems, Inc. ("ANS"),³ by its attorney, hereby replies to certain comments on the Allocation Decision. Specifically, ANS supports a proposal by the American Petroleum Institute ("API") to allocate the 4660-4685 MHz band for fixed point-to-point microwave users, which have lost the 2 GHz band and are in danger of losing other bands, such as the 6 GHz band.

¹Allocation Order at para. 41. See also 47 U.S.C. Section 923 (1994).

²47 C.F.R. Section 1.415 (1989).

³ANS 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 \$750 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.

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In the Allocation Decision, the Commission allocates the 2390-2400 and 2402-2417 MHz bands for PCS and mobile services and it allocates the 4660-4685 MHz band for fixed and mobile services. Rather than making frequency assignments for specific services in the 4660-4685 MHz band, the Commission establishes a flexible allocation for fixed and mobile services in a new General Wireless Communications Service ("GWCS"). It proposes flexible technical and licensing requirements for the GWCS and it proposes auctioning these frequencies.⁴

Unfortunately, the Commission, in the Allocation Decision, pays "lip service" to the needs of fixed point-to-point microwave users and it rejects assigning specific frequencies for those users in the 4660-4685 MHz band.⁵ Not only does the Commission ignore the problems that fixed point-to-point microwave users will encounter when clearance of this band for PCS begins, it seems intent on exacerbating the situation by seeking to erode availability of the 6 GHz band for fixed point-to-point use.⁶

To curb the Commission's appetite for decreasing fixed point-to-point spectrum, API, in its comments on the referenced rule making, proposes that the 4660-4685 MHz band be channelized to permit operation of 800 KHz bandwidth channels for fixed point-to-point microwave use.⁷ API claims that these bands must be protected from auctions because private users will not be able to bid competitively with commercial providers and because commercial providers can not be expected to support the needs of private users.⁸ This frequency assignment would "fulfill, to a limited extent, loss of the narrowband allocation from the bands 2130-2150 MHz and 2180-2200 MHz."⁹

The Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association ("TLA"), is filing reply comments on the Allocation

⁴Allocation Decision at paras. 60-83, 121-122.

⁵Allocation Decision at para 53.

⁶Second Notice of Inquiry, In the Matter of Preparation for International Telecommunications Union World Radio Communication Conferences, IC Dkt. No. 94-31 (released Jan. 31, 1995) (Commission inquires about sharing 6 GHz band with satellite users).

⁷API at paras. 15-18 and Exhibit A.

⁸API at paras. 12-14.

⁹API at para. 15.

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Decision. In these reply comments, TIA supports API's proposed channelization of the 4660-4685 MHz band and it shares API's objection to auctioning these bands.¹⁰

The public interest definitely would be served by adopting API's proposal because: (i) spectrum to support fixed point-to-point microwave users in the 2 GHz band was lost in ET Docket No. 92-9 and could be reduced further in WARC-95; (ii) long-haul, low density (paired 800 KHz channel) point-to-point systems (such as the extensive petroleum data network connecting the oil platforms in the Gulf of Mexico) have found continuing use in the private industry for many years, but these systems only can be supported currently on the heavily loaded 900 MHz band; and (iii) continuing need for long-distance, low capacity service still exists in many areas for private and industrial users.¹¹

ANS has been involved significantly in efforts to sensitize the Commission regarding the needs of displaced 2 GHz fixed point-to-point microwave users for additional spectrum. It supports completely API's proposed channelization of the 4660-4685 MHz band and the TIA Reply Comments filed in the referenced proceeding.

Should there be any questions concerning these reply comments, please contact the undersigned counsel for ANS.

Sincerely,


Robert J. Miller

RJM/tas

cc: All parties of record

210253/GW03

¹⁰Several parties oppose auctioning these frequencies because it conflicts with Section 309 of the Communications Act of 1934, as amended. These parties include the Utilities Telecommunications Council (at 5-8); Association of Public - Safety Communications Officials - International, Inc. (at 2); and Personal Communications Industry Association (at 3-4).

¹¹The low density, long haul systems that API supports have been used by petroleum, utility and railroads to provide the data circuits to support ongoing administration functions. Coordination during emergencies - when common carrier facilities are down - or provision of high reliability communication to locations not served by common carriers (e.g., oil platforms or mountain junctions) are the traditional roles for these systems.