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May 25, 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

Re: CC Docket No. 92-297  
Statement of Terrestrial Fixed Microwave Service Interests

Dear Mr. Caton:

The 27.5-29.5 GHz band is allocated to terrestrial fixed microwave service ("FS") on a co-primary basis with fixed-satellite service ("FSS") uplinks and with mobile service.<sup>1</sup> Recent proposals to reallocate this band among FSS, the mobile satellite service ("MSS"), and the local multipoint distribution service ("LMDS") would relegate FS to secondary status.<sup>2</sup>

As demonstrated herein, this "demotion" to secondary status is unjustified and would retard development of the FS industry. Unfortunately, these proposals ignore the FS industry's vital role in supporting PCS and other wireless technologies, and in serving public safety, utility, and other users. Allocating FS to secondary status in the 27.5-30.0 GHz band would be totally useless. Given the nature of the primary satellite and LMDS occupants that would occupy this band under these proposals, FS users simply would be unable to operate. Thus, the FS industry members represented herein<sup>3</sup> request that the Commission reject any attempt to allocate the 27.5-29.5 GHz band to FS on

<sup>1</sup>47 C.F.R. Section 2.106 (1995).

<sup>2</sup>Earlier this month, two proposals were submitted that would allocate certain segments in the 27.5-30.0 GHz band to FSS, MSS or LMDS on a primary or co-primary basis and to FS on a secondary basis. Specifically, in a May 11, 1995, proposal, FS would be secondary to satellite users in the 27.0-27.5 and 29.5-30.0 GHz bands; and in a May 12, 1995, proposal, FS would be secondary to satellite users in the 28.0-29.0 GHz band. This letter will be served on the signatories of these proposals.

<sup>3</sup>Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association ("TIA"); Alcatel Network Systems, Inc.; Harris Corporation - Farinon Division ("Harris"); and Digital Microwave Corporation ("DMC"). Harris and DMC have

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a secondary basis and that the Commission accommodate the needs of all industries by allocating the 28.0-29.0 GHz band to FS on a co-primary basis.

Essential telecommunication services are provided by FS users. Unfortunately, as demand for these essential FS services increases, available spectrum does not. The Commission has forced FS users to clear the 2 GHz band for PCS and to relocate in bands above 3 GHz.<sup>4</sup> However, the availability of these and other bands for FS is highly uncertain.<sup>5</sup>

A proposal currently is pending to re-channelize the 27.5-29.5 GHz band for the co-primary FS users.<sup>6</sup> Grant of this Petition is in the public interest because it would establish a channel plan for the 27.5-29.5 GHz band.<sup>7</sup>

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been active participants in this proceeding. The FS interests herein, in the interest of ensuring a complete record in this proceeding, hereby move that the Commission accept this letter. "Good cause" exists for accepting this late-filed letter because the proposals made herein serve the public interest and because recent proposals submitted May 11 and 12, 1995, by parties interested in the 27.5-30.0 GHz band, must be addressed.

<sup>4</sup>Redevelopment of Spectrum to Encourage Innovation In the Use of New Telecommunications Technologies, Second Report and Order, ET Docket No. 92-9, 8 FCC Rcd 6495, 6519-20 (1993), modified, Memorandum Opinion and Order, 9 FCC Rcd 1943 (1994).

<sup>5</sup>See Preparation for International Telecommunication Union World Radiocommunication Conferences, Second Notice of Inquiry, IC Dkt. No. 94-31 (FCC 95-36, released Jan. 31, 1995) (proposed allocations at WRC-95 for non-geostationary MSS feeder links on a co-primary basis in the upper 6, 11 and 18 GHz bands could make those bands unusable for FS); Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, First Report and Order and Second Notice of Proposed Rule Making, 77 Rad. Reg. (P&F) 2d 314 (1995) (newly available spectrum in the 4 GHz band from the federal government will not be allocated so that this band is feasible as a substitute for the short-haul FS users being migrated off the 2 GHz band). The 38 GHz band, which is allocated for FS, already is saturated with PCS users needing backhaul support. Proposals are pending to reallocate the 37 GHz band and the bands above 40 GHz for FS, but there is great uncertainty whether such allocations ever will be made. Amendments of Parts 21 and 94 of the Commission's Rules to Establish a Channel Plan and Technical Rules for the 37.0-38.6 GHz Band, RM-8553, filed September 9, 1994, by TIA; Amendment of Parts 2 and 15 of the Commission's Rules to Permit Use of Radio Frequencies Above 40 GHz for New Radio Applications, Notice of Proposed Rule Making, 9 FCC Rcd 7078 (1994).

<sup>6</sup>See Joint Petition for Rulemaking, filed February 9, 1995, by Harris and DMC, to re-channelize the 27.5-29.5 GHz band for FS ("Petition").

<sup>7</sup>When the 27.5-29.5 GHz band was allocated to FS and FSS on a co-primary basis, such sharing was determined to be quite feasible and to reflect efficient spectrum management. Based on these allocations, manufacturers of "traditional" FS equipment developed plans for future production. This point is adequately reflected in the record of this proceeding, starting as far back as April 19, 1991,

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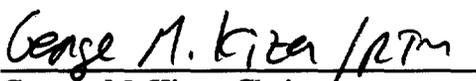
No party to this proceeding has made a convincing showing why satellite or LMDS services need FS to be reallocated on a secondary basis. All these services can co-habitate this band on a co-primary basis without compromising their ability to operate.

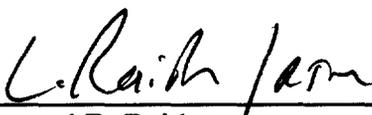
The FS interests below urge the Commission to consider fully the needs of all users when it allocates the 27.5-30.0 GHz band. The FS industry certainly is not "secondary" in importance to the satellite and LMDS industries. Nor are the needs of the public it serves for spectrum in this band any less compelling. Nevertheless, in order to facilitate a compromise on this long overdue rule making, the undersigned parties can accept an allocation of the 28.0-29.0 GHz band, as suggested in the May 12, 1995, proposal, provided that the FS allocation is maintained on a co-primary basis with other services in that band.

Sincerely,

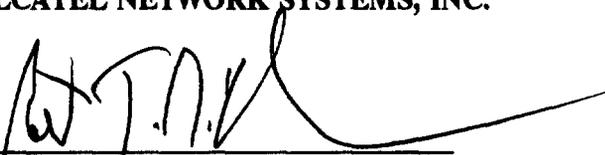
**FIXED POINT-TO-POINT  
COMMUNICATIONS SECTION,  
NETWORK EQUIPMENT DIVISION,  
TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION**

**HARRIS CORPORATION-FARINON DIVISION  
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Its Attorney  
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when Harris petitioned the Commission to adopt a channelization plan for the "28 GHz" band and to make that band available for assignment under Part 94 in addition to Part 21 of its Rules (RM-7722).