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VIA MESSENGER

FEDERAL COMMUNICATIONS COMMISSION
OF THE UNITED STATES

Michelle Farquhar, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Suite 5002
Washington, D.C. 20554

Re: ET Docket No. 92-9;
Relocation of Microwave Incumbents for PCS;
Disclosure and Approval Requirements for PCS Testing

Dear Ms. Farquhar:

On behalf of our many incumbent 2 GHz microwave clients, Keller and Heckman seeks your assistance in the enforcement of FCC rules requiring PCS licensees to comply with Prior Coordination Notice ("PCN") requirements before commencing "tests." PCS licensees apparently are conducting widescale tests of PCS systems in the 1850-1990 MHz band without first issuing the required PCN's or obtaining the consent of affected microwave incumbents operating on those channels in the geographic areas in which the "tests" are being conducted.

The Commission's rules provide that PCN's must be furnished to microwave incumbents prior to commencement of operations. If a PCS licensee claims harmful interference will not result, the microwave incumbent is permitted 30 days to challenge that determination through the PCN process. If the parties do not reach agreement concerning the interference potential of the proposed operations, the matter must be referred to the Commission for resolution. 47 C.F.R. § 24.237.

Despite these rules, some PCS licensees apparently are conducting "tests" for periods of several hours or more at unspecified times over the course of weeks or months, based upon simple notification to the microwave licensee of the anticipated

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Michelle Farquhar, Chief
December 22, 1995
Page 2

tests. Often, PCS licensees do not provide microwave incumbents with even cursory information to demonstrate that no harmful interference will result from the tests. When PCS licensees do provide information to microwave incumbents, that information often fails to address major aspects of the testing program, such as the precise times and exact locations of the tests.

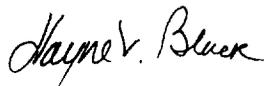
Many microwave incumbents, such as pipelines, utilities, railroads and public safety users, depend on their systems for the safe and efficient distribution of critical goods and services. Unanticipated PCS tests, and inaccurate or incomplete information regarding the tests, could cause ruinous levels of interference to an incumbent's microwave system -- with disastrous consequences.

Keller and Heckman believes that all PCN requirements must be satisfied prior to initiation of PCS testing. We urge the Commission to issue a Public Notice reemphasizing that Commission rules require: (1) prior notice of PCS testing; (2) provision of complete PCNs before initiation of testing; and (3) prior consent of the relevant microwave incumbents that testing will not cause harmful interference. If the PCS tests will not cause harmful interference, then PCS licensees should not oppose these simple requirements.

* * * * *

This situation must be addressed by the Commission in order to prevent unauthorized or damaging tests by PCS entities. Keller and Heckman believes that through the advance exchange of information between PCS licensees and microwave incumbents, potential interference problems can be greatly reduced or avoided altogether.

Very truly yours,



Wayne V. Black
Jack Richards
Raymond A. Kowalski