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March 8, 1996

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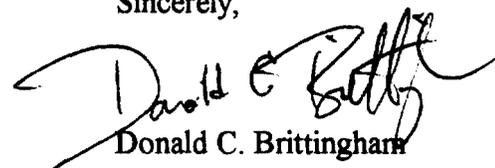
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: CC Docket 92-297 -- LMDS/Allocations in the 28 GHz Band

Please file a copy of the attached letter in the FCC's record for the above captioned proceeding. Questions may be directed to me on (202) 392-1189.

Sincerely,


Donald C. Brittingham

Attachment

No. of Copies rec'd 041
List ABCDE

March 8, 1996

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

Mr. Scott Blake Harris
Chief, International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 830
Washington, D.C. 20554

RE: CC Docket No. 92-297
Allocations in the 28 GHz Band

Three weeks ago, the staffs of the International and Wireless Telecommunications Bureaus, as well as the Offices of Plans and Policy and Engineering and Technology, jointly recommended the 28 GHz band plan known as "Option 4" to the Commission. Yet, today, a final determination on the band plan has still not been made, and the future benefits to society of services using this band (e.g., LMDS) remain unrealized. After more than three years of work in this proceeding, it is inconceivable that LMDS remains only a promise. Unlike the services proposed by prospective satellite licensees, LMDS is ready for deployment today, would promote local competition, and would raise substantial revenues for the U.S. government through auctions.

We, the undersigned parties ("The Parties"), support the staff's recommendation to adopt Option 4, and encourage the staff not to delay this proceeding further by considering alternative plans that lack merit, e.g., Option 5.¹ In support, we offer our comments on recent correspondence your offices have received regarding the impacts of Options 4 and 5 on the development of LMDS.

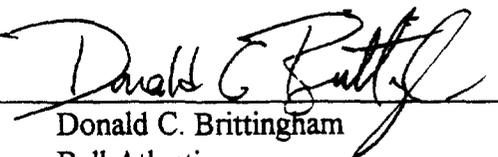
On March 1, 1996, Hughes Communications Galaxy, Inc. ("Hughes") provided your offices with an "analysis" of what it perceived to be the additional costs imposed on LMDS under band plan Option 5. Hughes asserts that this option would impose no additional cost impact on LMDS "that is not already present under any of the other band plans". (Emphasis in original). Hughes' assertions are false, and demonstrate a lack of understanding of the issues relative to LMDS. These issues are clarified in letters subsequently filed by Texas Instruments ("TI"), Endgate Technologies ("Endgate"), and Hewlett-Packard ("HP"), and CellularVision USA, Inc.

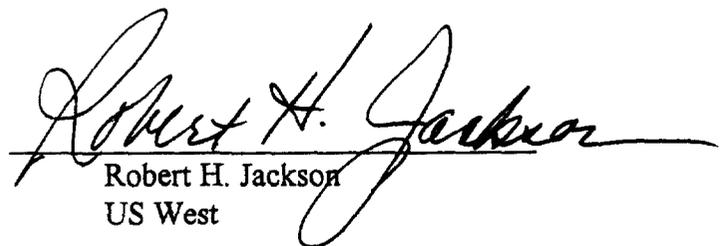
¹ We understand that the staff is considering a new plan, "Option 4 prime", as a more palatable alternative to Option 5. The Parties are presently evaluating this new alternative.

("CellularVision") on March 6, 1996. TI, Endgate, HP, and CellularVision all dispute Hughes' assertions concerning the impact of Option 5 on the cost of LMDS equipment.

Hughes incorrectly assumes that all LMDS spectrum will operate in a half duplex mode. To the contrary, given the likely services to be offered, the frequency usage would be asymmetrical--850 MHz for hub to subscriber and the other 125/150 MHz would carry the subscriber to hub transmissions. Accordingly, the Option 5 split of the 850 MHz of contiguous spectrum in the lower portion of the band, and the prohibition on subscriber to hub transmissions in the upper 150 MHz segment, would cause the hub to subscriber transmissions to be spread over 1.75 Ghz. This affects equipment design and cost. The 850 MHz split also demands costly slot filtering to avoid interference and more extensive use of frequency guard bands, which will reduce spectral efficiency. Under Option 5, the subscriber sets will have to be redesigned to accept a wider range of signals from the LMDS hubs and to reject a broader range of interfering signals.

Clearly, the additional costs imposed on LMDS by Option 5 are consequential, especially for a service based on an emerging technology which must compete with established providers, e.g., cable television, DBS, and MMDS. This level of increased cost can spell the difference between commercial viability and failure. It is also likely to have a significant impact on the auction revenues for LMDS licenses. The Parties urge the staff to reject the claims put forth by Hughes. They are not reflective of the adverse impact that Option 5 will have on the cost of LMDS equipment and the time within which this equipment will be available. Further, we urge the Commission to immediately adopt Option 4, and proceed to adopt service and auction rules for LMDS.


Donald C. Brittingham
Bell Atlantic


Robert H. Jackson
US West


Ralph Ballart
Telesis Technologies Laboratory
(Subsidiary of Pacific Telesis)

cc: Chairman Reed E. Hundt
Commissioner Andrew C. Barrett
Commissioner Rachelle Chong
Commissioner Susan Ness
Commissioner James H. Quello

Ms. Rosalind Allen
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