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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

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JUL 5 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
)  
Amendment of Parts 2.106 and 25.202 ) RM No. 8811  
of the Commission's Rules to Allocate )  
the 37.5-38.6 GHz Band to the Fixed )  
Satellite Service and to Establish )  
Technical Rules for the 37.5-38.6 GHz )  
Band )

To: The Commission

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REPLY COMMENTS OF COMMCO, L.L.C.

Commco, L.L.C. ("Commco"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. §1.415, hereby submits reply comments in response to the Petition for Rulemaking ("Petition") filed by Motorola Satellite Communications, Inc. ("Motorola") in the above-captioned proceeding.<sup>1/</sup> Specifically, Commco supports the position taken by the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association ("TIA") in its Opposition to Petition for Rulemaking filed June 21, 1996 ("Opposition") in the above-captioned proceeding.

Commco is a South Dakota-based limited liability company which holds authorizations and has applications pending for authorizations in the 38.6 - 40 GHz ("39" GHz) band in order to provide a variety of "last mile" services to customers on a nationwide basis. Commco has submitted Comments and Reply Comments in response to the Commission's *Notice of Proposed Rulemaking and Order*, adopted December 15, 1995 in ET Docket No. 95-183, RM-8553, PP

<sup>1/</sup> Motorola's Petition appeared on Public Notice, Report No. 2132, released May 21, 1996.

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Docket No. 93-253 ("39 GHz NPRM"). In response to Motorola's Comments in that proceeding,<sup>2/</sup> Commco emphasized that Motorola provided no evidence that domestic sharing is feasible in this band. See, Commco Reply Comments at 7.

Commco is submitting Reply Comments in this proceeding to express its support for the positions taken by TIA in its Opposition in this proceeding. In particular, Commco concurs with TIA's positions that: (1) the Petition lacks sufficient factual support for the Commission to proceed to a formal rulemaking proceeding; (2) Motorola's request for more FSS spectrum is premature in light of the fact that FSS providers have not yet started to use the recently allocated spectrum at 18 and 28 GHz; and (3) there is no evidence on the record that co-channel sharing between FSS systems and terrestrial fixed point-to-point microwave service systems is feasible.

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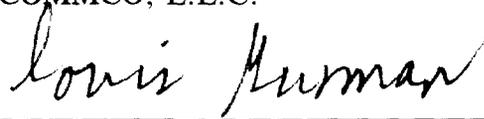
<sup>2/</sup> Motorola's Comments reiterated the same proposals contained in its Petition. Namely, that the Commission should: (1) allocate the 37.5-38.6 GHz band to Fixed-Satellite Service ("FSS") downlinks; and (2) adopt, for the 37.5-40.5 GHz band, the limits on power flux density that apply to that band under the ITU Radio Regulations, Art. 28, §4(6)RR 2578, 2582, 2583, 2584. Motorola Comments at 2-3. To that extent, there is no need for a separate proceeding. However, the lack of factual support for Motorola's positions is equally pertinent to the weight they should be accorded in the 39 GHz NPRM.

Accordingly, Commco concurs with the TIA Opposition, and urges the Commission to grant the relief sought therein by denying Motorola's Petition in the above-captioned proceeding.

Respectfully submitted,

COMMCO, L.L.C.

By:



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**CERTIFICATE OF SERVICE**

I, Jamie C. Whitney, a secretary in the law offices of Gurman, Blask and Freedman, Chartered, do hereby certify that I have on this 5th day of July, 1996, had copies of the foregoing "REPLY COMMENTS OF COMMCO, L.L.C." mailed by U.S. first class mail, postage prepaid, to the following:

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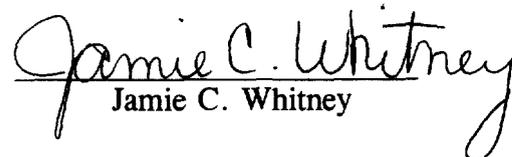
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