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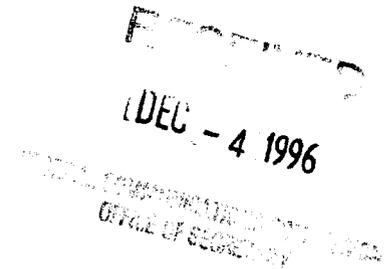
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December 4, 1996

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



Re: *Ex Parte* Presentation in CC Docket No. 92-297.

Dear Mr. Caton:

Attached is a copy of an electronic mail message sent to Commissioner Chong and Jane Mago and Suzanne Toller of her staff regarding the above-referenced proceeding. This message should be associated with the record of this docket.

Should any questions arise concerning this, please let me know.

Sincerely,

Robert L. Pettit
Counsel for Texas Instruments, Inc.

cc: The Honorable Rachelle Chong
Jane Mago
Suzanne Toller

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To: RCHONG @ FCC.GOV @ SMTP
cc: JMAGO @ FCC.GOV @ SMTP, STOLLER @ FCC.GOV @ SMTP
From: Robert Pettit/WRF
Date: 12/03/96 05:41:46 PM
Subject: LMDS

Rachelle:

While I had hoped that the LMDS proceeding would be over and done with by now, I'm writing once again, on behalf of Texas Instruments, to urge you to act promptly to bring this long proceeding to an end and to begin the LMDS auction process. As you know, LMDS holds the promise of a wide variety of advanced digital services in the near term to American homes, businesses, schools and hospitals. But until the Commission acts with a final allocation and service rules, no one can get service. No LMDS companies can proceed. No financing can be arranged. No auctions can be held. No employees can be hired. No equipment can be finally designed and manufactured. (As you may know, while the proceeding has remained pending at the FCC, the Canadian government has already licensed LMDS operators, and the Mexican government has announced that it is proceeding with an LMDS auction.)

TI is fully supportive of the Commission's July proposal to allocate 300 MHz of spectrum at 31 GHz to LMDS on a primary basis, and this can be done without harming the existing secondary users at 31 GHz. Sierra Digital has asked the Commission to partition the 31 GHz spectrum: one 180 MHz band for LMDS and a second 120 MHz band for the exclusive use of traffic monitoring nationwide. In TI's view, this would be a grossly wasteful spectrum management scheme. In fact, Sierra Digital would have the Commission warehouse a 120 MHz block of spectrum (at least) on an exclusive, nationwide, cost-free basis in order to protect about 30 existing secondary users (out of a total of more than 39,000 municipal, county and state jurisdictions). If the Commission wants to protect current users, all it needs to do is to grandfather current licensed operations at 31 GHz and to continue to allow the current use of the band on a secondary basis. (By the way, if sufficient spectrum is allocated to LMDS at 31 GHz, TI fully anticipates that LMDS operators will themselves provide traffic management services (on a spectrally efficient basis) to local governments.)

One final issue: In recent *ex parte* presentations, Sierra Digital has argued essentially that LMDS does not "need" more than 150 MHz (or more recently 180 MHz) of spectrum in the 31 GHz band in order to be made "whole" in this proceeding. Even putting aside the question of why Sierra Digital needs 120-150 MHz on a nationwide exclusive basis in order to serve 30 localities, Sierra Digital's argument misses several essential points. First, the Commission has consistently recognized the need for more than one gigahertz of unencumbered spectrum for LMDS -- if the service is going to provide the array of competitive services that the Commission has historically envisioned. In fact, the Commission originally proposed two gigahertz of unencumbered spectrum for LMDS. And the Fourth Notice, in addition to proposing the 300 MHz allocation at 31 GHz, also directed the Commission staff to explore the use of government spectrum below 27.5 GHz for LMDS.

Moreover, this 300 MHz allocation is simply critical to the viability of the LMDS industry. This allocation could be used to provide a wider array of services to more people. For example, the allocation could support a traditional consumer-based LMDS system and simultaneously support imaging and data applications for individual schools, medical and corporate campuses. This spectrum may also be used for essential backhaul service -- which will be a critical function in light of the cost of fiber backhaul channels at 38 GHz now will likely be encumbered by the time that LMDS is finally licensed and built.

Thanks, again, for your consideration (and for your historical support of LMDS). I hope that some closure can be brought to this issue soon.

cc: William Caton (for inclusion with the record in CC Docket 92-297