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March 28, 1997

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MAR 28 1997

Federal Communications Commission  
Office of Secretary

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

Re: *Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service — GN Docket No. 96-228; Written Ex Parte Communication*

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Dear Mr. Caton:

I am writing on behalf of the Wireless Cable Association International, Inc. ("WCA") in response to the submission of earlier today by Lucent Technologies ("Lucent") in opposition to WCA's pending Petition for Expedited Reconsideration (the "Petition") in this proceeding.

At the outset, Lucent's filing is grossly out of time. Although Lucent styles its filing as a "technical statement," it is obviously being submitted in opposition to the Petition. Lucent was a participant in this proceeding prior to the filing of the Petition, and was thus served by WCA with the Petition on March 10, 1997. On March 13, 1997, the Commission released a *Public Notice* affording interested parties until March 19th to oppose WCA's Petition.<sup>1/</sup> Although Lucent was presumably aware of that *Public Notice*, Lucent failed to file. Now, however, after WCA's time to reply has passed, Lucent steps forward for the first time in opposition to WCA's proposal without any explanation whatsoever to excuse its delay.

More importantly, Lucent fails to address the fundamental issue raised in WCA's Petition — the potential for interference to Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") operations if WCS licensees are permitted to operate with EIRPs in excess of 20 watts. Significantly, Lucent does not even challenge WCA's

<sup>1/</sup>"Expedited Pleading Cycle Established for Oppositions and Replies to Oppositions to Petitions for Reconsideration filed by the Wireless Cable Association International, Inc. and by PACS Providers Forum and DigiVox Corporation," *Public Notice*, DA 97-548 (rel. Mar. 13, 1997).

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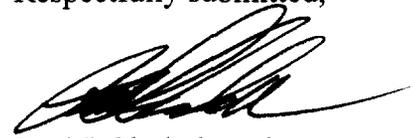
William F. Caton  
March 28, 1997  
Page 2

demonstration that a 20 watt EIRP on WCS is necessary to protect MDS and ITFS reception from interference. Rather, Lucent merely states that it desires a 150 watt EIRP limit to minimize the number of cell sites a WCS licensee will need in some cases in order to provide wireless local loop, and contends in conclusory fashion that such an emission limitation "would be an acceptable value for MMDS systems."

Since Lucent does not provide any financial or technical information with its filing, it is impossible for WCA, or the Commission for that matter, to accurately judge the impact adoption of WCA's proposal would have on Lucent's vision of WCS. Suffice it to say that WCA is not proposing that WCS licensees be banned from operating with a 150 watt EIRP; rather, WCA is proposing that WCS licensees who operate in excess of 20 watts EIRP be required to bear all costs associated with protecting MDS and ITFS reception from interference. Thus, if Lucent is correct in its analysis and operation of Lucent's proposed technology would not adversely impact wireless cable, Lucent has nothing to fear from adoption of WCA's approach.

Should you have any questions regarding this filing, please contact the undersigned.

Respectfully submitted,



Paul J. Sinderbrand

Counsel for the Wireless Cable  
Association International, Inc.

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William F. Caton  
March 28, 1997  
Page 3

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