

DOCKET FILE COPY ORIGINAL RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY 6 1997

Federal Communications Commission
Office of Secretary

In the Matter of:

Allocation and Designation of Spectrum
for Fixed-Satellite Services in the
37.5 - 38.5 GHz, 40.5 - 41.5 GHz,
and 48.2 - 50.2 GHz Frequency Bands;
Allocation of Spectrum to Upgrade Fixed
and Mobile Allocations in the
40.5 - 42.5 GHz Frequency Band;
Allocation of Spectrum in the
46.9 - 47.0 GHz Frequency Band for
Wireless Services; and Allocation of
Spectrum in the 37.0 - 38.0 GHz and
40.0 - 40.5 GHz Frequency Bands for
Government Operations.

IB Docket No. 97-95
RM-8811

COMMENTS OF BIZTEL, INC.

Pursuant to Section 1.415 of the Commission's Rules, BizTel, Inc. ("BizTel"), through its attorney, hereby submits the following comments in response to the Notice of Proposed Rulemaking (the "NPRM") in the above-captioned proceeding.^{1/} By the NPRM, the Commission presents comprehensive spectrum designation and allocation proposals to provide for the separate accommodation of diverse terrestrial and satellite service requirements in the range of 36 - 51.4 GHz.

BizTel commends the Commission's efforts to promote the rapid expansion of competitive new wireless broadband service offerings by comprehensively addressing terrestrial and satellite service spectrum requirements in the millimeter wave bands. This

^{1/} See Notice of Proposed Rulemaking, IB Docket No. 97-95, RM-8811, FCC 97-85 (released March 24, 1997), 62 Fed Reg 16129 (April 4, 1997).

No. of Copies rec'd
List A B C D E

029

approach clearly serves the public interest, convenience, and necessity. BizTel stands ready to support the Commission and the interests of the United States by continuing its active role in helping to shape critical domestic and international policies relating to these issues.

I. INTRODUCTION

BizTel is a pioneer and industry leader in the development and deployment of innovative fixed wireless broadband systems and services. In accordance with its long-standing business plan, BizTel has commenced operations in 156 service areas authorized pursuant to the Commission's Rules governing 38.6 - 40.0 GHz Point-to-Point Microwave Radio Service systems.^{2/} These systems provide viable *facilities based* competition to entrenched local wireline telephone companies throughout the United States in accordance with FCC and Congressional public policy objectives. In order to ensure the continued viability of its operations, BizTel obviously has a strong vested interest in developing successful domestic and international spectrum utilization policies that adequately address the needs of all parties affected by the above-captioned rulemaking. Accordingly, from the earliest stages, BizTel has been an active participant in domestic and international fora addressing the feasibility of

^{2/} See 47 C.F.R. Part 101.

sharing between co-primary terrestrial and satellite services in the millimeter wave bands.

II. BACKGROUND

For almost a year and a half, BizTel has worked closely with all interested parties in efforts to analyze prospects for viable co-frequency sharing between existing and planned ubiquitous deployment terrestrial systems and contemplated commercial millimeter wave satellite systems. BizTel has made numerous submissions and ex parte presentations in ET Docket No.95-183 and in related proceedings where terrestrial vs. satellite service interference problems in the millimeter wave bands have been addressed. Through its undersigned counsel and IIT Research Institute, its engineering consultants, BizTel has also been an active participant in ITU-R Study Group 9 and ITU-R Joint Working Party 4-9S, and in domestic and international preparations to address above 30 GHz spectrum management issues at WRC-97.^{2/} A sampling of these domestic and international contributions is listed below. The listed submissions are incorporated herein by reference for inclusion in the record of the above-captioned rulemaking.

^{2/} WRC-97 agenda item 1.9.6 invites ITU administrations to present proposals at WRC-97 relating to the international identification of spectrum for high-density fixed service applications in bands above 30 GHz.

- Reply Comments of BizTel, Inc., ET Docket No. 95-183 & RM-8553, PP Docket No. 93-253, at 16 - 18 (filed April 1, 1996);
- December 6, 1997 Ex Parte Presentation of BizTel, Inc., ET Docket No. 95-183 & RM-8553, PP Docket No. 93-253;
- "Feasibility of Co-Frequency Sharing between the Fixed Service and the Fixed Satellite Service in the 37 - 40.5 GHz and 47.2 GHz - 50.2 GHz Bands", Document No. Ad Hoc-MW/48 (November 13, 1996);
- "Factors Preventing the Application of Automatic Transmit Power Control and e.i.r.p. Density Limits to Facilitate FS/FSS Sharing in Frequency Bands Above 30 GHz", Document No. Ad Hoc-MW/DG-14 (December 10, 1996);
- "Contribution to ITU-R Documents 4-9S/TEMP/13 & 4-9S/TEMP/14: Inclusion of Representative System Parameters & Analysis Results for Frequency Bands Above 30 GHz", Document No. ITU-R USWP 4-9S/12 Rev.1 (November 19, 1996);
- "Modifications to Draft Section 7.5 Of The CPM Report To WRC-97: Identification of Frequency Bands Above 30 GHz For High-Density Fixed Service Applications", Document Nos. ITU-R USWP 9-B/3 & 4/9-S/12 (October 9, 1996);
- "Proposed Amendments to Section 7.5 Of the Draft CPM-97 Report", Document Nos. US CPM-2/21 & CPM97/074 (May 5, 1997);
- "Report of the Millimeter Wave Drafting Group on U.S. Proposals for Agenda Item 1.9.6 of WRC-97", Document No. Ad Hoc-MW/54 (January 2, 1997), at §§ 2.1, 3.1.1, 4.2.2, & 5.0.

In both domestic and international proceedings, BizTel has consistently promoted a balanced and comprehensive approach to addressing the difficult problems raised by the need to accommodate all legitimate spectrum requirements in the range of 36 - 51.4 GHz. BizTel is quite pleased with the level of participation and progress to date in dealing with these complex

issues. The Commission's adoption of the NPRM and the proposals set forth therein send a strong signal that the Commission is committed to a timely and thorough resolution of the matters at hand.

III. PROPOSED DESIGNATIONS FOR SEPARATE TERRESTRIAL AND SATELLITE SERVICE OPERATIONS MUST BE ADOPTED

BizTel ardently concurs with the Commission's conclusion that severe interservice sharing constraints dictate the establishment of separate spectrum designations for terrestrial and satellite service requirements in the range of 36 - 51.4 GHz.^{4/} BizTel also applauds the Commission's recognition of the need to adopt an overall spectrum plan that protects existing and future area-licensed 38.6 - 40.0 GHz terrestrial operations in the United States with respect to all other domestic and international spectrum utilization, while also accommodating the reasonable requirements of affected terrestrial and satellite services in other portions of the 36 - 51.4 GHz range. In addition, BizTel agrees with the Commission's conclusion that designations providing access to separate spectrum blocks by terrestrial and satellite systems is a crucial component to

^{4/} See NPRM, at ¶ 12.

preserving flexibility in service offerings and maximizing efficient use of the millimeter wave spectrum resource.^{5/}

BizTel has no objection to the specific spectrum designation and allocation proposals set forth in the NPRM and fully supports the Commission's band segmentation initiative. However, BizTel is aware that some terrestrial and satellite interests are not entirely satisfied with the Commission's proposals. BizTel has long been committed to a rapid and equitable resolution of these issues, and will continue its support of domestic and international efforts to resolve terrestrial and satellite service requirements in the bands of concern. In this regard, BizTel is participating in regular ongoing discussions with the affected parties in an effort to resolve differences. BizTel will keep the Commission apprised of any developments resulting from these discussions.

IV. THE UNITED STATES WRC-97 AGENDA ITEM 1.9.6 PROPOSAL SHOULD SEEK TO MAXIMIZE GLOBAL CONSISTENCY WITH THE DOMESTIC SEGMENTATION PLAN

As the Commission is well aware, WRC-97 agenda item 1.9.6 implicates issues that are inextricably intertwined with the instant rulemaking and related domestic proceedings.^{6/} BizTel

^{5/} See NPRM, at ¶¶ 11-12.

^{6/} Id., at ¶¶ 7, 34-36. See, also, FN 3, supra. The NPRM appropriately indicates that issues relating to WRC-97 should be
(continued...)

agrees with the Commission's conclusion that the United States must prepare a WRC-97 proposal relating to agenda item 1.9.6.^{2/} To optimize spectrum access for all affected services with adequate interference protection and the lowest possible equipment and system implementation costs, the United States WRC-97 agenda item 1.9.6 proposal should seek to maximize global consistency with the domestic segmentation plan. Accordingly, the United States WRC-97 agenda item 1.9.6 proposal should be crafted to:

- Ensure adequate interference protection for domestic terrestrial and satellite operations;
- Maximize uniform worldwide spectrum availability to affected terrestrial and satellite services, taking current deployment patterns around the world into account;
- Minimize international deployment restrictions on all affected services resulting from co-primary allocations; and
- Minimize the international regulatory impact of proposals by limiting allocation and other regulatory changes.

First, the adoption of separate domestic spectrum designations for the terrestrial and satellite services in the United States will still leave open the prospect of unacceptable

^{2/} (...continued)

dealt with in the designated preparatory forum. Nevertheless, BizTel believes that a brief discussion of these issues merits inclusion in these comments.

^{2/} See NPRM, at ¶¶ 7, 34-36.

interference to terrestrial operations from mainbeam coupling events with the downlink operations of foreign satellite systems, particularly at lower elevation angles. Similarly, satellite uplink operations can cause unacceptable interference to terrestrial operations across international borders. The establishment of international spectrum designations at WRC-97 for terrestrial use in existing allocated bands above 30 GHz will help to alleviate this problem. Similar separate designations for satellite use should also be considered. In addition, the establishment of a new international satellite service allocation in the 40.5 - 42.5 GHz range is equally important.

Second, maximizing worldwide harmonization of spectrum use while limiting deployment restrictions and regulatory complexity in bands above 30 GHz will promote more efficient utilization, and contribute to lower equipment and system implementation costs for all affected services. Each of these results is critical to the successful ongoing implementation of terrestrial and satellite services by United States companies.

VI. CONCLUSION

BizTel applauds the insight demonstrated by the underlying conclusions and the proposals set forth by the Commission in the NPRM. The policy direction announced in the NPRM clearly serves the public interest, convenience, and necessity. BizTel

urges the Commission to move expeditiously to adopt its proposed framework for protection of terrestrial services in the 38.6 - 40.0 GHz band, and to adopt other proposals relating to the 36 - 51.4 GHz range that accommodate all other legitimate service requirements consistent with the record developed in the instant rulemaking. BizTel also urges the Commission to continue its efforts in the appropriate fora to facilitate the formulation and ultimate adoption of a United States WRC-97 agenda item 1.9.6 proposal that maximizes international consistency with policy initiatives in the instant rulemaking.

Respectfully submitted,

BIZTEL, INC.

By: Walter H. Sonnenfeldt, att. in fact.
Walter H. Sonnenfeldt

Walter Sonnenfeldt & Associates
4904 Ertter Drive
Rockville, Maryland 20852
(301) 770-3299

Its Attorney

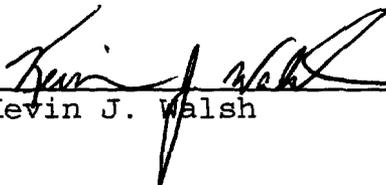
May 6, 1997

CERTIFICATE OF SERVICE

I, Kevin J. Walsh, hereby certify that on the 6th day of May, 1997, a true copy of the foregoing "COMMENTS OF BIZTEL, INC." was mailed, first-class postage prepaid, to the following:

Philip L. Malet
Alfred Mamlet
Pantelis Michalopoulos
Pamela S. Strauss
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Counsel to Motorola Satellite Communications, Inc.



Kevin J. Walsh