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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

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 Bands)
for Government Operations)

IB Docket No. 97-95

RM-8811

To: The Commission

REPLY COMMENTS

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 Notice of Proposed Rulemaking ("*NPRM*") adopted on March 13, 1997 in the above-captioned proceeding.^{1/}

Commco is a South Dakota-based limited liability company which holds authorizations and has applications pending for authorizations in the 38.6 - 40 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 Docket No. 93-253.

^{1/} By Order released May 12, 1997 in the above-captioned proceeding, the reply comment deadline was extended to June 3, 1997.

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Commco has also submitted Reply Comments in response to the Petition for Rulemaking filed by Motorola Satellite Communications, Inc. in RM-8811, requesting amendment of Parts 2.106 and 25.202 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.

Commco is submitting Reply Comments in this proceeding to express its support for the Commission's efforts to segment the 36.0 - 51.4 GHz frequency band to accommodate both terrestrial and satellite service operations while preserving the 38.6-40.0 GHz band for terrestrial services.

The Commission correctly noted that:

[g]iven the ubiquitous nature of some of the services proposed, it is not likely that satellite and terrestrial systems will be able to share the same spectrum without significant technical constraints on the operations of one or the other, or both, types of systems. Indeed, frequency sharing is an issue of some contention.

NPRM at para.12 (citation omitted).

Commco concurs with the Comments submitted in this proceeding by the Fixed Point-to-Point Communications Section, Network Equipment Division, of the Telecommunications Industry Association ("TIA"), Winstar Communications, Inc. ("Winstar"), Biztel, Inc. ("Biztel"), and Advanced Radio Telecom Corp. ("ART") to the extent that they argue that spectrum sharing between terrestrial and satellite operations is not feasible.^{2/}

A segmentation approach will best serve the public interest by maximizing the utilization of spectrum dedicated to each service and, thereby, facilitating the commercial viability of each service.

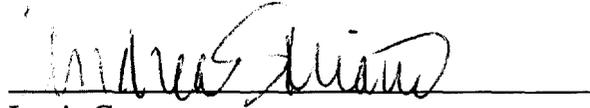
^{2/} See, TIA Comments at 11-15, Winstar Comments at 3-5, Biztel Comments at 5-6 and ART Comments at 5-15.

Therefore, Commco respectfully requests that the Commission adopt its proposal to segment the 36.0 - 51.4 GHz band, and eliminate any fixed satellite service allocations in the 38.6 - 40.0 GHz band.

Respectfully submitted,

COMMCO, L.L.C.

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Dated: June 3, 1997

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