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Federal Communications Commission

DA 97-1675

DISPATCH

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

In the Matter of)
)
 Petition for Allocation of Radio)
 Spectrum in the 2 GHz Band for) RM-8837
 the Provision of Wireless Fixed)
 Access Local Loop Services)

ORDER

Adopted: August 5, 1997

Released: August 6, 1997

By the Office of Engineering and Technology:

1. By this order, the Chief, Office of Engineering and Technology, dismisses the petition filed by DSC Communications Corporation (DSC) in the captioned proceeding. The dismissal is without prejudice to the opportunity of DSC or any other entity to petition for rule making on the same subject in the future.

2. On June 10, 1996, DSC filed a petition for rule making, requesting allocation of spectrum in the 2 GHz band for the provision of wireless local loop (WLL) telephone services.¹ The petition requested the allocation of approximately 75 megahertz of spectrum in any of six bands in the 2 GHz range.² On July 11, 1996, we released a public notice requesting comment on DSC's petition, designating the proceeding as RM-8837. We received seventeen comments on the petition, and one reply comment from DSC. Most of the comments objected to reallocation of one or two of the candidate bands to WLL because the commenter had an interest in the current operation of the bands.

3. In September of 1996, DSC requested through counsel that we refrain from issuing a Notice of Proposed Rule Making in order to allow DSC to develop more technical information on WLL in the 2 GHz band. Since that time, we have not received additional filings from DSC.

¹ See DSC, *Petition for Rule Making*, RM-8837, June 4, 1996.

² See *id.* at iv. Candidate bands requested by DSC were the 1668-1700/1723.5-1755 MHz, 2037.5-2076/2111.5-2150 MHz, 2110-2145/2165-2200 MHz, 2160-2198.5/2310-2348.5 MHz, 2400-2438.5/2160-2198.5 MHz, and 2401-2439.5/2310-2348.5 MHz bands.

Conversations with DSC's counsel indicate that DSC, having other concerns that take priority, is not interested in pursuing its petition at this point.³

4. Because of the disinclination of DSC to pursue its petition at this point, and in the absence of another party requesting further action in this proceeding,⁴ we find that DSC's petition plainly does not warrant consideration by the Commission. Therefore, we are dismissing DSC's petition and closing RM-8837. We emphasize that we have not considered the merits of DSC's petition, or the desirability of WLL, either in the 2 GHz range or elsewhere in the radio spectrum. Thus, this dismissal is without prejudice to the future filing of a petition for rule making on the subject of WLL, by DSC or any other party.

5. Accordingly, IT IS ORDERED that the *Petition for Rule Making* filed by DSC Communications Corporation in RM-8837 IS DISMISSED, and that proceeding RM-8837 IS TERMINATED. This action is taken pursuant to authority found in Sections 4 (i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i), 302, 303; and pursuant to Sections 0.31 and 0.241 of the Commission's Rules, 47 C.F.R. §§ 0.31, 0.241. For further information contact Sean White, Office of Engineering and Technology, (202) 418-2453.

FEDERAL COMMUNICATIONS COMMISSION



Richard M. Smith
Chief,
Office of Engineering and Technology

³ E.g., telephone conversation between S. White, FCC Office of Engineering and Technology, and R. Lowe, Piper & Marbury, L.L.P., August 4, 1997.

⁴ Personnel of the Office of Engineering and Technology have met with representatives of Northern Telecom, Inc. and SR Telecom, Inc. on the subject of WLL. Neither party, however, has filed petitions or further comments in this proceeding.