

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

JAN 14 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
SIERRA DIGITAL COMMUNICATIONS, INC.)	RM-9189
)	
Petition for Rulemaking to Accommodate)	
Point-to-Point Operations in the 24)	
GHz Band Under Part 15 of the)	
Commission's Rules)	

CITATION TO ADDITIONAL AUTHORITY

The American Radio Relay League, Inc., (the League), the national association of amateur radio operators, by counsel, hereby respectfully submits citation to additional authority in the captioned proceeding, in support of the League's comments and reply comments, in opposition to the Petition filed by Sierra Digital Communications, Inc. (Sierra) for Rule Making.¹

1. The League has argued in this proceeding that the high-power² operation proposed by

¹ The League notes that this proceeding is being considered a "permit-but-disclose" proceeding for purposes of its *ex parte* rules. It is also noted that Sierra Digital Communications, Inc. has made an oral *ex parte* presentation to the Office of Engineering and Technology. If necessary, this citation to additional authority may be considered a written *ex parte* presentation.

² Sierra, in reply comments, faults the League for making reference to "high-power" point-to-point microwave transmissions proposed by Sierra under Part 15. The League stands by its reference. While the transmitter power of the devices would be approximately one milliwatt, the antenna gain in the main beamwidth of the antenna renders the ERP of the transmissions in that direction exceptionally high for Part 15 specification. Sierra's reply comments attempt to claim that the power levels proposed in its petition are less than those permitted in the 5 GHz band for Part 15 devices with unlimited antenna gain. However, those transmissions are spread-spectrum transmissions, and not narrowband transmissions. The comparison is therefore frivolous and deceptive.

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Sierra is entirely inappropriate for Part 15 unlicensed facilities. Indeed, the Commission has previously held exactly such. On May 15, 1980, M/A-Com petitioned the Commission to amend Part 15 to accommodate the operation of low power microwave radio systems in the 24.05 to 24.25 GHz band. The Commission afforded that petition a file number (RM-3678), and considered it together with a related Part 94 proceeding (Docket No. 79-337) dealing with low power facilities in the 22-23 GHz band. In its *Further Notice of Proposed Rule Making*, the Commission stated as follows:

The Commission feels that there is merit in providing spectrum for a low power, non-frequency coordinated radio operation in the 22 to 24 GHz band. It is felt that these devices can meet certain needs for low cost, short-distance video, voice and data communications without the burden and expense of frequency coordination. These devices are envisioned to be highly directional and to have limited (short-range) interference potential. In addition, the devices are readily movable should interference be encountered. However, the Commission feels that such operations are not Part 15 in nature as proposed in RM-3678 and that some form of licensing is appropriate (footnote omitted).

(*Id.*, FCC 80-486, 45 Fed. Reg. 55775, released August 19, 1980).

2. The Commission decided not to propose the unlicensed Part 15 operation requested by M/A-Com. However, M/A-Com petitioned for reconsideration, and in 1983, the Commission upheld the earlier decision not to permit unlicensed, uncoordinated point-to-point microwave operation in the 24 GHz band:

In the FNPRM, the Commission asked for public comment on questions concerning the need for frequency coordination and licensing for the low power service and on the appropriate technical standards. We stated that we saw merit in providing spectrum for nonfrequency coordinated operations in the 22 to 24 GHz band because these low power devices were envisioned to be highly directional and to have limited (short-range) interference potential. Thus, we proposed to eliminate the coordination requirement for the channel pair 21.825/23.025 GHz (footnote omitted) except within 25 kilometers of the Canadian and Mexican borders. We also proposed to apply the same technical standards set forth for the other low power devices to this channel pair. Furthermore, we stated that some form of licensing seems appropriate because these low power microwave operations do not fall within Part 15 of the rules.

However, we posed questions on these points...

We do not find that it is appropriate to introduce a nonfrequency coordinated, unlicensed communications service into the 24 GHz band. The band is allocated on a primary basis for Federal Government radiolocation use and on a secondary basis for non-Government radiolocation and amateur use, as well as for Industrial, Scientific and Medical Service (ISM) equipment. The frequencies are already being used by radar devices, and NTIA has recommended that the operations proposed by M/A-Com not be permitted in the 24 GHz band because they would be inconsistent with the current allocated use of the band (citation of NTIA correspondence omitted). We are, therefore, not adopting rules authorizing low power microwave operations in the 24 GHz band.

Second Report and Order, 53 RR 2d 1676, at 1677-78 (1983)

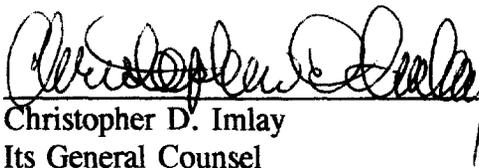
3. Therefore, it is obvious that the Commission has already considered the exact same proposal now advanced by Sierra, and rejected it after full notice and comment rulemaking. For the reasons set forth by the League in its previously-filed comments and reply comments, and given the foregoing, the League again requests that the Commission dismiss the instant petition for rule making without further action.

Respectfully submitted,

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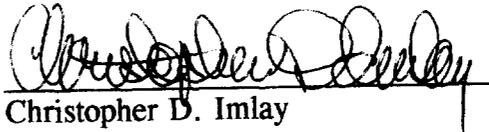
January 14, 1998

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing CITATION TO ADDITIONAL AUTHORITY was mailed, postage prepaid, this 14th day of January, 1998, to the following:

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