

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In the Matter of	)	
	)	
Amendment of the Commission's	)	ET Docket No. 95-183
Rules Regarding the 37.0-38.6 GHz and	)	RM-8553
38.6-40.0 GHz Bands	)	
	)	
Implementation of Section 309(j) of	)	PP Docket No. 93-253
the Communications Act -- Competitive	)	
Bidding, 37.0-38.6 GHz and	)	
38.6-40.0 GHz	)	

To: The Commission

**COMMENTS**

In November 1997, the Federal Communications Commission (the "Commission") amended the rules for the terrestrial fixed point-to-point microwave radio service ("FS") in the 38.6-40.0 GHz band ("39 GHz Band") and it adopted new rules for the FS in the 37.0-38.6 GHz band ("37 GHz Band").<sup>1</sup> In March 1998, several parties filed Petitions for Reconsideration and/or Clarification of the Order.

Alcatel Network Systems, Inc. ("Alcatel"), Digital Microwave Corporation ("DMC"), and Harris Corporation-Farion Division ("Harris")<sup>2</sup> (hereinafter "the Commenters") hereby oppose the Petition for Reconsideration ("TRW Petition") filed

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<sup>1</sup>Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, Report and Order and Second Notice of Proposed Rulemaking, 12 FCC Rcd 18600 (1997) ("Order").

<sup>2</sup>Alcatel, DMC, and Harris are all major manufacturers of FS equipment.

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by TRW, Inc. ("TRW") in the captioned proceeding.

TRW, in its Petition, asks the Commission to clarify that licenses issued to FS providers in the 39 GHz Band should not be exclusive.<sup>3</sup> In that same vein, TRW urges that FS users should be expected to coordinate their use with satellite systems in order to facilitate spectrum sharing.<sup>4</sup> The Commenters strongly disagree.

The Commission itself pointed out, in its Order, that "there is wide support for the premise that the types of fixed and satellite services likely to be offered in spectrum above 36 GHz will not be able to share the same spectrum blocks."<sup>5</sup> The FS industry was not the only one supporting this stance. Several satellite companies also conceded that sharing in these bands is not feasible.<sup>6</sup> In fact, even TRW recognized that they could not share with high density fixed systems,<sup>7</sup> which are precisely those destined to operate in these millimetric frequency bands.

However, in its Petition, TRW now accuses the Commission of misconstruing its comments.<sup>8</sup> This is a convenient argument for TRW. It would benefit from spectrum sharing in the 39 GHz Band because the only alternative is to lose it

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<sup>3</sup>TRW Petition at 8.

<sup>4</sup>Id.

<sup>5</sup>Order, 12 FCC Rcd at 18608.

<sup>6</sup>See IB Docket No. 97-95; Hughes Reply Comments at 20; Motorola Reply Comments at 14; Lockheed Martin Comments at 15; Teledesic Comments at 4-5; GE Americom Comments at 6-7.

<sup>7</sup>See IB Docket No. 97-95; TRW Reply Comments at 5.

<sup>8</sup>TRW Petition at 8.

completely. TRW should not be allowed to undermine the Commission's reasoned approach to designating uses of spectrum above 36 GHz in this manner.

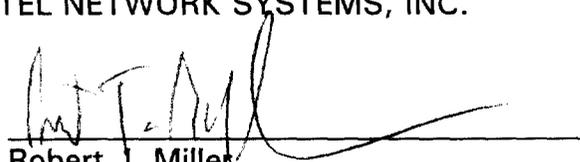
**CONCLUSION**

For all the foregoing reasons, the Commenters urge the Commission to deny the Petition for Reconsideration filed by TRW in accordance with the comments provided herein.

Respectfully submitted,

ALCATEL NETWORK SYSTEMS, INC.

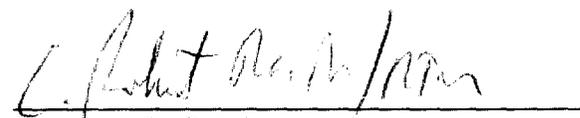
By:



Robert J. Miller  
Gardere & Wynne, L.L.P.  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201  
(214) 999-3000  
Its Attorney

DIGITAL MICROWAVE CORPORATION  
HARRIS CORPORATION-FARINON DIVISION

By:



Leonard R. Raish  
Fletcher Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street  
11<sup>th</sup> Floor  
Rosslyn, Virginia 22209  
(703) 812-0480  
Their Attorney

April 3, 1998

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing "Comments" will be mailed via first class mail on the 6<sup>th</sup> day of April, 1998, to:

Norman P. Leventhal  
Leventhal, Senter & Lerman, P.L.L.C.  
2000 K Street, N.W., Suite 600  
Washington, D.C. 20006  
Counsel for TRW Inc.

James J. Freeman  
Kelley, Drye & Warren, LLP  
1200 19<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20036  
Counsel for No Wire LLC

Louis Gurman  
Gurman, Blask & Freedman, Chartered  
1400 16<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20036  
Counsel for Commco, L.L.C., Plaincom, Inc.,  
Sintra Capital Corporation, Eric Sterman

E. Ashton Johnson  
Paul, Hastings, Janofsky & Walker LLP  
1299 Pennsylvania Avenue, NW, 10<sup>th</sup> Floor  
Washington, D.C. 20004-2400  
Counsel for Columbia Millimeter  
Communications, L.P.

Robert J. Keller  
Law Office of Robert J. Keller, PC  
4200 Wisconsin Avenue NW #106-233  
Washington, D.C. 20016-2157  
Counsel for Bachow and Associates, Inc. and  
Bachow Communications, Inc.

John S. Salmon  
Dewey Ballantine LLP  
1775 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Counsel for James W. O'Keefe

Teresa Marrero  
Two Teleport Drive, Suite 300  
Staten Island, N.Y. 10311  
Counsel for BizTel, Inc.

Thomas J. Dougherty, Jr.  
Gardner, Carton & Douglas  
1301 K Street, N.W., Suite 900 East  
Washington, D.C. 20005  
Counsel for DCT Transmission, L.L.C.

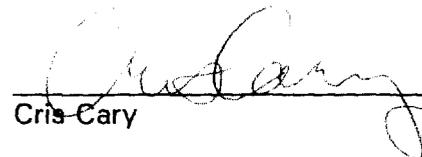
Walter H. Sonnenfeldt  
Walter Sonnenfeldt & Associates  
4904 Ertter Drive  
Rockville, Maryland 20852  
Counsel for AA&T Wireless Services,  
Cambridge Partners, Inc., Linda Chester,  
Hicap Networks, Inc., Paul R. Likins, PIW  
Development Corporation, SMC Associates,  
Southfield Communications LLC, and  
Wireless Telco

Elizabeth R. Sachs  
Lukas, Nace, Gutierrez & Sachs  
1111 19<sup>th</sup> Street, NW 12<sup>th</sup> Floor  
Washington, D.C. 20036  
Counsel for Advanced Radio Telecom  
Corporation

Christopher R. Hardy  
Comsearch  
2002 Edmund Halley Drive  
Reston, Virginia 22091

Philip L. Verveer  
Willkie Farr & Gallagher  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20036-3384  
Counsel for WinStar Communications, Inc.

April 3, 1998

  
Cris Cary