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November 4, 1999

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BY HAND DELIVERY

Ms. Magalie Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, DC 20554

Re: RM-9649
Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed Satellite Service that Share Terrestrial Spectrum
Petition for Rule Making to Set Loading Standards For Earth Stations in the Fixed Satellite Service that Share Terrestrial Spectrum

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, I am filing the original and one copy of this letter to report an oral *ex parte* communication in the above-referenced proceeding.

Yesterday a delegation from the Fixed Wireless Communications Coalition (FWCC) met with Howard C. Griboff, Christopher J. Murphy, Karl A. Kensinger , Alexander Roytblat, and Thomas S. Tycz, all of the International Bureau, and Sean White of the Office of Engineering and Technology. Representing the FWCC were Robert M. Gurss, Wilkes Artis Hedrick & Lane, Chartered; Thomas J. Keller, Verner Liipfert Bernhard McPherson & Hand, Chartered; Leonard R. Raish, Esquire, Fletcher, Heald & Hildreth, PLC; Jeffrey L. Sheldon, UTC — The Telecommunications Association; Randall D. Young, Keller and Heckman LLP; and the undersigned.

The FWCC delegation summarized the substance of the FWCC filings in this docket. The attached papers were distributed at the meeting.

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Kindly date-stamp and return the extra copy of this letter.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,

Mitchell Lazarus
Counsel for the Fixed Wireless Communications Coalition

ML:deb

Enclosures

cc: Meeting Participants

FIXED WIRELESS COMMUNICATIONS COALITION

1. We are concerned about assuring the future viability of the terrestrial fixed services.

2. The subject is Docket 99-81 on establishment of Policies and Services Rules for MSS in the 2 GHz Band.

   - Provision of feeder links in the spectrum between 5 GHz and 29 GHz is involved. Virtually all of feeder link proposals overlap with bands already heavily used for terrestrial fixed services.

3. The FWCC stands on its Comments and Reply Comments filed in Docket 99-81.

   - Intention is to be helpful.
   - A course of action is proposed rather than total opposition.

4. Attention is called to the FWCC Petition for Rulemaking in RM-9649 – the "full band - full arc" Petition.

November 3, 1999

U.S. Economic Infrastructure is Heavily Dependent on Fixed Wireless Technology:

- Railroads, Pipelines, Water & Gas Utilities
- Public Safety Communications
- Cellular, Paging and PCS Backhaul
- SMATV/Wireless Television
- Competitive Local Telecommunications Services

November 3, 1999

Commission Should Note the FS Supports Competition in Communications:

- Long Distance (FS Microwave)
- Wireless (Backbone/Backhaul)
- Television-(SMATV/Wireless Cable/CARS)
- Digital TV (Studio- Transmitter Links, Temporary Fixed, ENG)
- Broadcast (Studio-Transmitter Links, Temporary Fixed, ENG)
- Telephony (Wireless Local Loop, CLEC Network Overlay, Quick Start)
- Internet (Local connectivity at high data rates)
- In Addition, FS is "in the background" of essential infrastructure and public safety functions.
- 416,000 Channel licenses have been granted by the FCC (Area license activity is in addition to this)
- FS is a growth industry (over 10,000 new coordinations listed in 1998
- Fixed wireless service is a major constituency of the FCC

Issues

- There is only one spectrum
- Reallocation of bands from one use to another displacement of existing services must be done equitably
- Balance effect on incumbents with potential benefit to new user
- Existing high use fixed bands are being squeezed (2 GHz, 6 GHz, 11 GHz, 18 GHz and above)
  - FS Growth
  - Satellite Proposals
- Need to accomodate existing and future needs of fixed wireless licensees
  - Fixed microwave is a growth industry
  - Very spectrally efficient new technologies
  - Very efficient geographic reuse

FWCC VIEWS

1. A sequence of apparently unrelated Commission decisions affecting several frequency bands between 2 and 30 GHz has already seriously curtailed Fixed Service operators' access to spectrum needed for new terrestrial systems and for growth of existing ones.

2. If MSS feeder links are to be superimposed on spectrum already used for terrestrial fixed systems, any such action should be delayed until sharing criteria and coordination rules can be developed and promulgated, especially in light of spectrum already lost to accommodate the satellite services.

3. If the Commission does decide to require sharing in the bands proposed for feeder links, it must prevent the same kind of sterilization that occurred at 4 Ghz.

FWCC VIEWS (Cont.d)

4. The Commission should impose reasonable restrictions on MSS feeder link earth station numbers, collocation, siting, antenna size, shielding, and spectrum efficiency. Coordination procedures should be established that will yield equitable sharing of geography and spectrum.

5. As regards the relocation of FS from 2 GHz band to accommodate MSS, terrestrial FS and MSS service links cannot share spectrum. Note is taken 2165-2200 MHz has been allocated for MSS downlinks.

   - Commission should reiterate that microwave licensees are to be reimbursed for relocation costs.

   - Such costs can be as much as $450,000.00 per link.

FWCC VIEWS (Cont.d)

- Since 2 Ghz "hops" are capable of longer path lengths, relocation to higher bands could result in multi-"hop" links as replacement for a single "hop".

- Fiber is not always an alternative due to terrain conditions and remoteness.

PUBLIC SAFETY USE OF FIXED MICROWAVE FACILITIES

Typical Use

Principal use is to provide "backbone" for mobile two-way radio networks operated by police, fire, and other public safety agencies. For example, a state, county, or city public safety agency is likely to need multiple transmitter sites to cover its area of jurisdiction with an adequate radio signal. Each of those sites must be tied together and connected to the central dispatch center. Other common uses include connecting emergency command and control centers for disaster relief operations, and for traffic and public works management. Fixed point-to-point microwave is the most reliable, secure, and cost-efficient method to meet these public safety communications requirements.

Expanding Public Safety Need for Fixed Microwave

The trend in public safety communications is towards larger "trunked" radio systems used by many agencies within a wide geographic area. Such shared systems are more efficient and provide greater "interoperability" between different agencies that need to respond to emergencies. However, these wide area systems necessarily involve many transmitter sites (and, therefore, microwave links), especially in the 800 MHz band, one of the few bands available for new public safety mobile radio systems. Indeed, pursuant to a Congressional mandate, the FCC recently reallocated 24 MHz for public safety use just below 806 MHz. Over the next 10 to 15 years, hundreds of new mobile radio systems are likely to be built in this band, each requiring microwave backbone frequencies. Unfortunately, frequencies available for such microwave facilities have been greatly diminished with the reallocation of the 2 GHz bands, and the relocation of 2 GHz facilities to 6 GHz and other bands.

Lack of Alternatives

In most cases, there are no viable alternatives for public safety agencies other than microwave facilities. Fiber optic lines are sometimes used, but are still many times more expensive than microwave, require rights-of-way, and often cannot reach remote transmitter locations. Reliability of fiber also remains an issue, both for above-ground installation, which is subject to storm damage, and for underground installation, which is subject to accidental cuts by construction crews and breakage, especially in earthquake prone areas.

Conclusion

Existing microwave bands must be preserved and additional microwave allocations are necessary to accommodate current and future public safety radio systems.

For further information, please contact: Robert Gurss, Wilkes, Artis, Hedrick & Lane, counsel for the Association of Public-Safety Communications Officials-International (APCO), at 202-457-7329 or rgurss@wahlone.com.

November 3, 1999

FIXED WIRELESS COMMUNICATIONS COALITION

The Fixed Wireless Communications Coalition was formed by terrestrial fixed microwave users and suppliers to assure that adequate spectrum resources are available for current and future terrestrial fixed microwave communications. Such action is necessary because spectrum allocation and re-allocation actions currently under consideration at the FCC require fixed microwave interests to speak with a common voice. Additionally, the Coalition was formed to work for a regulatory climate both at the FCC and the ITU to permit the manufacture, operation, and use of terrestrial fixed microwave systems.

MEMBERS

USERS

Association of Public-Safety Communications Officials
American Mobile Telephone Association
United Telecom Council (UTC)
National Association of Broadcasters
Independent Cable Telecommunications Association
American Petroleum Institute
Wireless Communications Association
Personal Communications Industry Association
CBS Communications Services
Norfolk-Southern Railroad
Union Pacific Railroad
Burlington-Northern Railroad
BellSouth
Bell Atlantic
SBC Communications, Inc.
People's Choice TV
Association of American Railroads
WINSTAR Communications Inc.

MANUFACTURERS

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Alcatel Network Systems Inc.
Digital Microwave Corporation
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California Microwave, Microwave Data Systems
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