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April 7, 2000

BY HAND DELIVERY

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

Re: RM-9830

Dear Ms. Salas:

Enclosed are the original and four copies of Comments of Digital Microwave Corporation to be filed in the above-referenced rulemaking.

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

Respectfully submitted,



Leonard R. Raish
Counsel for Digital Microwave Corporation

ML:deb

Enclosures

cc: Service List

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ORIGINAL

Before the
Federal Communications Commission
Washington DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
FCC Rules Section 101.145 --) RM-9830
Interference to Geostationary Satellites)
from Point-to-Point Microwave)
Systems)

**COMMENTS OF
DIGITAL MICROWAVE CORPORATION**

Digital Microwave Corporation (DMC) respectfully submits these Comments in support of the above-captioned Petition for Rulemaking filed by Edwards and Kelcey, Inc. (E&K) on November 17, 1999.¹

DMC is a leading manufacturer of microwave equipment, including products for the 6 GHz band at issue in this proceeding.

E&K requests a minor amendment to Section 101.145(b) of the Commission's Rules, which requires a waiver for 6 GHz Fixed Service stations aimed with 2 degrees of the geosynchronous arc. The rule also sets out EIRP limits as a precondition to such a waiver. E&K notes that such waivers are routinely granted, so the chief effect of the waiver requirement is to add cost and delay. Equally important, the need for a waiver rules out operation during pendency of the application.² E&K accordingly requests a rule change that will permit such applications be accepted without a waiver request, if the EIRP is within the limits now required for a waiver.

¹ See Report No. 2393 (March 8, 2000).

² See 47 C.F.R. Sec. 101.31(b)(iii).

DMC supports this request, for the reasons spelled out in the Comments of the Fixed Wireless Communications Coalition (FWCC) being filed separately today. The FWCC notes that a grant of the E&K request will not expose FSS spacecraft to harmful interference, inasmuch as the request is conditioned on compliance with the EIRP limits in Section 101.145(b). The FWCC goes on to describe the worsening shortages of spectrum available to the Fixed Services, and explains how a grant of the request will give Fixed Service operators more flexibility in using the spectrum still available to them. The FWCC also refers to the long-standing asymmetry between Fixed Service and FSS users in access to spectrum, and notes that a grant will help to redress the imbalance by eliminating a burdensome restriction on the Fixed Service that does not benefit FSS. Finally, the FWCC points out that the present waiver requirement is an unproductive drain on Commission resources.

For all of these reasons, as spelled out in the FWCC Comments, DMC supports the rule change requested in E&K's Petition.

Respectfully submitted,



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April 7, 2000

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary for the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that a true copy of the foregoing "Comments of the Digital Microwave Corporation" was sent this 7th day of April, 2000, by first-class mail, postage prepaid to the following:

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