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Federal Communications Commission

Washington, D.C. 20554

January 30, 2001

ET Docket No. 94-237
WT Docket No. 00-324

William T. Hatch
Associate Administrator
Spectrum Management
National Telecommunications and Information Administration
Washington, D.C. 20230

Re: Negative Impact on 4.9 GHz Band From Expansion of Navy CEC Operations

Dear Mr. Hatch:

In light of recent staff discussions, we are concerned that changes being considered to the operating parameters and spectrum utilization of the Navy's Cooperative Engagement Capability ("CEC") system may adversely impact proposed non-Government operations in the adjacent 4940-4990 MHz spectrum. This letter requests that NTIA review Navy's plans for the CEC system to determine whether proposed operational changes would have any additional impact on future adjacent band non-Government operations beyond that already identified by NTIA.

As you are aware, the 4940-4990 MHz band was identified by NTIA and the Navy as spectrum to replace the 4635-4685 MHz band, which NTIA had initially transferred from Government to non-Government use pursuant to the Omnibus Budget Reconciliation Act ("OBRA-93"). The 4.9 GHz band became available for exclusive non-Government use in 1999, and the Commission adopted a Notice of Proposed Rule Making ("NPRM") last year proposing allocation and service rules for the 4.9 GHz band.

Using information provided by the Navy through the IRAC process, the NPRM also included a description of ten CEC operating areas and identified 91 Economic Areas ("EAs") -- out of the total of 175 EAs and EA-like areas -- that would be affected. Further, the NPRM published certain information on the associated out of band emissions that non-Government users might expect as a result of CEC operations in the ten operational areas. Those affected areas and signal levels were provided to the Commission by NTIA initially in a memo to the FCC in early 1998 and more recently in its letter substituting the 4.9 GHz band as a replacement for the 4635-4685 MHz band, and subsequently were revised through the IRAC process.

As a result of meetings and communications late last year with NTIA and the Navy, we understand that the Navy is considering expanded use of the CEC system. Navy has indicated that CEC use would no longer be restricted to conducting training exercises, but would also be used domestically for drug interdiction and for a new mission, the Area Cruise Missile Defense. These added missions will involve operational areas well beyond the ten training areas identified by the Navy and NTIA in the NPRM, and will affect areas adjacent to the entire coastline of the U.S.

My concern is that the CEC system will include aircraft operating extremely powerful transmitters at altitudes of up to 35,000 feet along the entire U.S. coastline. Specifically, the signal levels at the band edge, 4940 MHz, would be 24 dBW/MHz (250 W/MHz) and would roll off to about -30 dBW/MHz (1 mW/MHz) at the center of the non-Government band, 4965 MHz. This will greatly reduce the usefulness of this band by non-Government users by putting down a significant signal level in the populated areas up to 250 miles inland from the U.S. coastlines. This would substantially reduce the ability of new non-Government services to operate on both the East and West Coasts as well as in the Gulf of Mexico.

It is my understanding, that subsequent discussions between NTIA and Navy have taken place. I also understand that Navy has now indicated that it may be willing to limit power levels when operating outside of training areas to mitigate potential harmful interference to levels consistent with those previously identified by NTIA to the Commission.

The Commission plans to consider a report and order on this spectrum in early 2001. We are concerned that expanded use of the CEC system could negatively impact the commercial viability of this spectrum. Accordingly, I request that NTIA confirm as soon as possible if there will be any changes to the operating parameters previously agreed to so that we can determine whether adequate interference protection to adjacent band non-Government operations is possible.

I appreciate your prompt attention to this matter.

Sincerely,



Bruce Franca
Acting Chief
Office of Engineering and Technology

cc: Mr. Bruce Swearingen
Mr. Roger Davis
Mr. Thomas Sugrue