Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of Parts 2 and 25 of the Commission's	)	
Rules to Permit Operation of NGSO FSS Systems	)	
Co-Frequency with GSO and Terrestrial Systems	)	
in the Ku-Band Frequency Range;	)	
	)	
Amendment of the Commission's Rules	)	FCC 00-418
to Authorize Subsidiary Terrestrial Use	)	ET Docket No. 98-206
of the 12.2-12.7 GHz Band by Direct Broadcast Satellite	)	RM-9147
Licensees and Their Affiliates; and	)	RM-9245
	)	
Applications of Broadwave USA,	)	
PDC Broadband Corporation, and	)	
Satellite Receivers, Ltd. to Provide	)	
A Fixed Service in the 12.2-12.7 GHz Band	)	
	)	

To: The Commission

COMMENTS

These comments are filed by Satellite Receivers Ltd. ("Satellite Receivers") in response to the MITRE Corporation ("MITRE")'s Technical Report entitled "Analysis of Potential MVDDS Interference to DBS in the 12.2–12.7 GHz Band."[1] Satellite Receivers is pleased overall with the results of the MITRE Report and hopes that the report will allow the Commission to proceed with formulating rules for the new multichannel video distribution and data service ("MVDDS").[2]

---

[1] The report was released on April 18, 2001. Hereinafter, the report will be referred to as the "MITRE Report."

[2] *In the Matter of Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, Further Notice of Proposed Rulemaking*, FCC 00-418, ET Docket 98-206 (rel. Dec. 8, 2000) (the "MVDDS Rulemaking").

I. Terrestrial Use of the Ku-band is Possible.

Despite claims from some that MVDDS could not co-exist with DBS, MITRE has proved that spectrum sharing in the Ku-band is possible and that MVDDS is a feasible service, if certain measures are taken to protect incumbent licenses. The MITRE Report, pages 6-1, 6-8. All the parties in the MVDDS Rulemaking understood that if the Commission were to create this new service, rules would have to be formulated so as not to substantially interfere with existing licensees in the Ku-band. The MITRE Report provides the Commission with guidance in its task to create these rules. With a combination of operational parameters and system designs standards and corrective measures taken by the MVDDS operators, spectrum sharing can and should be allowed.

Throughout the MVDDS Rulemaking, Satellite Receivers has taken the position that if "you build it, they will come." If the Commission would establish technical guidelines for licensees to follow, MVDDS providers will meet these standards to protect incumbents through technological innovation. With the completion of the MITRE Report, we are one step closer to the creation of these standards.

II. Technical Standards must be Applicable to Different Technologies.

Satellite Receivers argues that the Commission should formulate the technical licensing rules so that MVDDS providers may offer service through a number of different methods. With the entrance of MDS America, Inc. into the MVDDS Rulemaking, it is apparent that there may be a number of ways to bring MVDDS to consumers. In light of MDS America, Inc.'s claims, the Commission should disregard claims that only one technology can provide MVDDS and it must formulate technical standards that are technology neutral.

Conclusion

For the foregoing reasons, Satellite Receivers respectively requests that the Commission incorporate the results from the MITRE Report into the FNPRM proceeding and adopt rules and policies for MVDDS accordingly.

Respectfully submitted,

/s/ Nathaniel J. Hardy
Nathaniel J. Hardy

Counsel for Satellite Receivers, Ltd.

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Suite 200
Washington, DC 20036-3101
Tel. 202-728-0400
Fax 202-728-0354

May 15, 2001