

**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 to)	ET Docket No. 98-206
Authorize Subsidiary Terrestrial Use of the)	RM-9147
12.2-12.7 GHz Band by Direct Broadcast Satellite)	RM-9245
Licensees and their Affiliates; and)	
)	
Applications of Broadwave USA,)	
PDC Broadband Corporation, and)	
Satellite Receivers, Ltd. to Provide)	
A Fixed Service in the 12.2-12.7 GHz Band)	
_____)	

**REPLY COMMENTS OF AT&T CORP.
ON THE MITRE CORPORATION REPORT**

Pursuant to the Commission's Public Notice on the MITRE Corporation Report ("the Report") analyzing potential Multichannel Video Distribution and Data Service ("MVDDS") interference to digital broadcast satellite ("DBS") service in the 12.2-12.7 GHz band,^{1/} AT&T Corp. ("AT&T") respectfully submits these reply comments. AT&T agrees with numerous commenters that the Report supports the Commission's previous conclusion that spectrum sharing between well-engineered and deployed MVDDS systems and DBS appears technically feasible with the use of certain mitigation techniques and a step-by-step interference-coordinated licensing process. AT&T therefore urges the Commission to accept the general conclusions of

^{1/} 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, Public Notice, DA 01-933 (rel. April 23, 2001).

the Report and move forward with licensing qualified MVDDS operations in the 12 GHz band. AT&T also agrees that the Report makes clear that there is more than one technology capable of providing MVDDS in the 12 GHz band without significantly degrading the quality of primary coverage DBS service, and, therefore, the Commission should refrain from adopting technology-specific rules for MVDDS.

I. THE REPORT UNAMBIGUOUSLY DEMONSTRATES THAT SPECTRUM SHARING BETWEEN LOW POWER MVDDS AND DBS IS FEASIBLE

As Northpoint demonstrates, “[i]f there was any remaining doubt as to whether terrestrial service can safely be licensed in the 12 GHz band, the MITRE report has removed it.”^{2/}

Numerous commenters agree with the Report’s conclusion that, with the use of appropriate mitigation techniques and a coordinated licensing process, spectrum sharing between MMVDS and DBS is technically feasible in the 12 GHz band.^{3/} AT&T likewise believes that the Report supports the Commission’s previous conclusion that terrestrial services like MVDDS can share the 12 GHz band without causing unacceptable interference to DBS subscribers in primary coverage areas.

In contrast, certain DBS operators argue that the Report proves that the Commission should not have authorized MVDDS in the 12 GHz band because MVDDS poses a significant interference threat to DBS operations.^{4/} SBCA attempts to undercut the Report’s findings that mitigation techniques can address any harmful interference by arguing that mitigation is unlawful and the Commission may only authorize MVDDS if MVDDS systems are designed so

^{2/} See Northpoint Comments at 4.

^{3/} See Pegasus Comments at 1-4; Satellite Receivers Comments at 2.

^{4/} See SBCA Comments at 2-6; EchoStar Comments at 4-5; DIRECTV Comments at 5-6.

that they are incapable of causing harmful interference to DBS operations under any conditions.^{5/} SBCA provides no legal support for this extremely narrow view of the Commission's authority, which would greatly impede the Commission's ability to use creative spectrum management techniques to address the current spectrum shortage.^{6/} EchoStar and DIRECTV reflexively dismiss many of the mitigation measures proposed by MITRE as impracticable or unworkable.^{7/} Their positions are not supported by the Report.

As Northpoint explains, most of the mitigation techniques that MITRE proposes would be performed at the MVDDS transmitter and if they were not sufficient, a few simple adjustments could be made at the DBS subscribers' premises.^{8/} A step-by-step licensing approach like that proposed by MITRE would also ensure that appropriate mitigation techniques are implemented before an MVDDS licensee receives its final operating license,^{9/} a process that even DIRECTV agrees would minimize the impact of any possible interference to DBS providers.^{10/} The Commission should dismiss the DBS industry's attempts to discredit the Report's unambiguous findings that spectrum sharing is viable if appropriate mitigation measures are used.

^{5/} See SBCA Comments at 6-7.

^{6/} See, e.g., Principles for Reallocation of Spectrum to Encourage the Development of Telecommunications Technology for the New Millennium, Policy Statement, FCC 99-354 (rel. Nov. 22, 1999).

^{7/} See EchoStar Comments at iii, 5.

^{8/} See Northpoint Comments at 5.

^{9/} See Report at 6-5 to 6-6.

^{10/} See DIRECTV Comments at 16.

II. THE COMMENTS DEMONSTRATE THAT THE COMMISSION SHOULD NOT LIMIT MVDDS BY ADOPTING TECHNOLOGY-SPECIFIC RULES

AT&T agrees with the several commenters that explain that there are a number of workable approaches to MVDDS technology. For example, DIRECTV, even though it generally opposes MVDDS, recognizes that other parties have suggested several viable approaches.^{11/} ThinKom Solutions submits information on its “Continuous Transverse Stub (CTS) array” technology, which it believes would enable bandwidth sharing between MVDDS and DBS without creating unacceptable signal unavailability for DBS subscribers.^{12/} As another alternative, Satellite Receivers directs the Commission’s attention to the technology proposed by MDS America.^{13/} The Report itself suggests that “pointing the MVDDS transmitting antennas away from the satellites, rather than toward them as generally envisioned” could reduce interference in many situations.^{14/} As these comments demonstrate, the MVDDS licensing rules should be technologically neutral so that MVDDS providers have the flexibility to utilize new and innovative technologies and offer the services that such technologies make possible.^{15/} Once the Commission adopts such technologically neutral rules, it should proceed to license MVDDS via a competitive bidding process that is open to all qualified participants.

^{11/} See DIRECTV Comments at 16-17.

^{12/} See ThinKom Comments at 1.

^{13/} See Satellite Receivers Comments at 2.

^{14/} See Report at 6-2.

^{15/} See Satellite Receivers Comments at 2.

CONCLUSION

For the foregoing reasons, the Commission should move forward expeditiously to license MVDDS operations in the 12 GHz band using technologically neutral rules that permit the use of new and innovative technologies.

Respectfully submitted,

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