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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington DC 20554

In the Matter of	)	
	)	
Allocation and Designation of Spectrum for	)	
Fixed-Satellite Services in the 37.5-38.5 GHz,	)	
40.5-41.5 GHz and 48.2-50.2 GHz Frequency	)	
Bands; Allocation of Spectrum to Upgrade	)	IB Docket No. 97-95
Fixed and Mobile Allocations in the 40.5-	)	
42.5 GHz Frequency Band; Allocation of	)	RM-8811
Spectrum in the 46.9-47.0 Frequency Band for	)	
Wireless Services; and Allocation of Spectrum	)	
in the 37.0-38.0 GHz and 40.0-40.5 GHz for	)	
Government Operations	)	

REPLY COMMENTS OF AT&T CORP.

AT&T Corp. ("AT&T"), by its attorneys, hereby submits its reply comments with respect to the Further Notice of Proposed Rulemaking ("*FNPRM*") in the above-entitled proceeding.

DISCUSSION

AT&T currently provides fixed wireless services to customers throughout the United States and intends to significantly grow this business over the next year. AT&T therefore supports the Commission's efforts to implement the industry compromises incorporated into the CITEL submission to WRC-2000, which were thereafter adopted in large part by WRC-2000. AT&T thus agrees with the Wireless Communications Association International Inc. ("WCA") that the Commission should reject satellite industry proposals that would effectively negate years of negotiation and compromise,

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and that would hinder the successful deployment of fixed wireless services.

For the reasons set forth below and more fully by the WCA, the Commission should implement the compromises on this issue agreed to at WRC-2000, which were intended to provide fixed wireless carriers access to additional spectrum while protecting the ability of such providers to offer competitive alternatives to wireline carriers. As the Commission recognizes, fixed wireless providers must provide their customers very high availability and quality to be successful, and thus require significant protection from harmful interference. *FNPRM*, fn 65.

Given the significant scarcity of spectrum available for provision of fixed wireless services, and the history of erosion of fixed service access to previously allocated bands – *e.g.*, at 2, 4, and 8 GHz – it is essential that potentially auctionable bands, such as 37.5–38.6 GHz, be unencumbered by rules that would permit interference from satellite systems. In particular, adoption and strict enforcement of the Commission’s “gateway” limitation for satellite operations in the 37.5–37.6 GHz band is necessary to prevent interference. As the Commission acknowledges, “ubiquitous deployment of satellite earth stations in the 37.5–40.0 GHz band threatens to defeat the WRC-2000 consensus that wireless service should constitute the predominant use of this band.” *Id.* at ¶ 46. The proposed gateway limitation is thus essential to the continued successful deployment of fixed wireless services.

The Commission should also reject proposals that would permit satellite providers to increase their transmission power without limitation over their entire footprint to overcome localized “fade” conditions due to rain. As the Commission appreciates, a rain cell may be a few kilometers or less in diameter, while a satellite’s footprint may be

hundreds of kilometers in diameter. As a result, increasing satellite transmission power to overcome a reception problem at one earth station within the fade area caused by a rain cell will result in significant harmful interference to fixed wireless reception in areas outside the rain cell. Further, where more than one earth station is affected by rain cells associated with a storm front, the prospect of unacceptable and prolonged interference is multiplied. This problem would only be exacerbated if the Commission were to permit anything other than *bona fide* “gateway” earth stations to be deployed.<sup>1</sup> This complex issue is currently being addressed by ITU-R Working Party 4-9S, and the Commission should defer any decision on acceptable power increases until Working Party 4-9S reaches its conclusion.<sup>2</sup>

AT&T takes exception to those commenters who contend that the provision of fixed wireless services is not financially viable. AT&T has committed substantial financial resources to its fixed wireless operations and intends to grow its fixed wireless business significantly over the coming year. Moreover, the fixed wireless operations of AT&T and others proved critical in restoring service to customers whose landline connections were disrupted during the recent attack on New York City. The Commission’s proposals appropriately would promote “last mile” alternatives to the incumbent local exchange companies, and should be adopted. Finally, AT&T and other fixed wireless licensees paid substantial amounts of money to acquire their licenses,

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<sup>1</sup> In addition, there is no assurance that the time a space station operates at increased power levels would be limited to any specific value, even if agreed to by all potentially affected parties.

<sup>2</sup> Acceptable restrictions on limited fade-related power increases could be negotiated between fixed wireless and satellite providers but only if all parties potentially affected by the interference agree.

which are subject to specific technical rules, at auction. Any weakening of the rules protecting against harmful interference could significantly decrease the value of these licenses.

### **CONCLUSION**

For the reasons set forth above and in the WCA comments, AT&T respectfully urges the Commission to:

1. adopt its tentative conclusion in the FNPRM that the 37.0–40.0 and 42.0–42.5 GHz bands be designated for terrestrial wireless services;
2. establish power flux density (“PFD”) limits in the V-band that reflect the U.S./CITEL approach proposed at WRC-2000;
3. limit satellite operations in the 37.5–37.6 GHz band to “gateway” facilities and reject proposals that would permit – directly or indirectly – ubiquitous earth station deployment in that spectrum;
4. restrict satellite operators in the 37.5-37.6 GHz band from exceeding the Commission’s PFD limits except in accordance with the recommendations of ITU-R Working Party 4-9S; and

5. preserve the priority of terrestrial fixed wireless service in the 37.0-40.0 GHz band, and thereby protect the legitimate expectations of terrestrial fixed wireless providers who acquired their spectrum at significant expense at auction.

Respectfully submitted,

AT&T CORP.

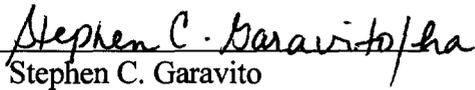
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Dated: October 3, 2001

**CERTIFICATE OF SERVICE**

I, Stephen C. Garavito, hereby certify that on this 3<sup>rd</sup> day of October, 2001, a true and correct copy of the foregoing Reply Comments of AT&T Corp. was served by first-class postage prepaid U.S. mail upon the following:

  
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