Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554

In the Matter of	)	
	)	
Public Notice No. 2504 September 27, 20021	)	
Seeking Comment on	)	
Loea Communications Corporation's	)	RM-10288
Petition for Rulemaking to amend the	)	
Commissions Rules for the Point to-Point	)	
Use of the 71.0-76.0 GHz and 81.0-86.0 GHz	)	
Bands.	)	

COMMENTS OF
DMC STRATEX NETWORKS INC.

Pursuant to Section 1.4 and 1.405 of the Commission's Rules, DMC Stratex Networks Inc. ("DMCSN")[1] hereby submits these comments in the above-captioned proceeding.

DMCSN supports Loea's Petition for Rulemaking and encourages the FCC to take the necessary action to swiftly initiate the process to open the 71-76 GHz and 81-86 GHz frequency bands for use by fixed, point-to-point services. Loea's initial experimental development of point to point wireless applications in these very high frequency bands has demonstrated a great potential to provide gigabit-per-second broadband access using wireless technology. The opening of these bands will enable fast product development which will ensure that service providers will be able to offer fiber optic-like speeds and

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[1] *DMC Stratex Networks, formerly known as Digital Microwave Corporation, is a San Jose, California, based, Manufacturer of high capacity wireless products serving the Cellular, Broadband Wireless, PCS and Common Carrier industries. DMCSN is one of the world's foremost suppliers of point* to *point wireless products, particularly noted for its high spectrally efficient product offerings in the millimeter frequency bands, which are the subject of this proceeding.* `

throughput to a broad range of subscribers in rural, suburban, and urban areas which currently do not have access to such service.

DMCSN agrees with Loea that the Commission should add these bands to Part 101 of its current rules. Part 101 of the Rules encompasses all the necessary procedures to ensure that these bands are properly managed in the public interest. The unique nature of propagation in these frequency bands will permit multiple users to share the same geographical area.

THE COMMISSION SHOULD NOT ALLOCATE THIS SPECTRUM USING THE AUCTION PROCESS.

DMCSN agrees with Loea that this spectrum should not be auctioned.

It is of great importance to manufacturers that prior to developing new products they have an expectation that a broad range of prospective operating companies will be able to use their products to provide competitive services to the public. Auctioning spectrum either on a regional or national basis, immediately limits the prospective customer base to the successful bidders, and therefore presents a great risk for a manufacturer to invest significant expense for a product that has such a limited customer base. It is suggested that one of the reasons why product availability for the LMDS bands has been a major impediment to the growth in the use of those bands, is because manufacturers had to seek special contractual arrangements with the license holders. This was necessary to cover the initial development costs for unique products that were not required to conform to any national or international standard. In fact some major manufacturers who initially developed proprietary products for the LMDS bands, have recently abandoned their

wireless Broadband Wireless product development entirely, due to an insufficient customer base.

The Spectrum Auction process, compared with the traditional, First Come First Served licensing process in the Common Carrier and Private Operational Fixed bands, has created significant difficulties for manufacturers. The traditional licensing process has provided the manufacturing sector with a stable environment where products can be developed to well defined national and international standards, and where any suitably qualified operator can purchase those products to establish communications networks. This type of stable regulatory process is mandatory for the continuing development of new and innovative products which need the assurance of large market opportunities.

THE SPECTRUM IN THE 71-76 GHz and 81-86 GHz BAND SHOULD BE LICENSED OR REGISTERED

DMCSN agrees with Loea, that this spectrum should be authorized by some form of licensing or registration.

In the interest of promoting the orderly growth of services in the 71-76 GHz and 81-86 GHz band, simplified licensing rules similar to those required under Part 101, for Common Carrier (CC) and Private Operational Fixed (POF) services should be applied. As suggested by Loea the management of the spectrum can be effectively carried out using the Prior Coordination process where the license applicant can make use of the services of a private sector frequency coordination company. This process has worked very well for all the current CC and POF's bands, and would not place any new or unique administrative burden on the Commission in the management of this spectrum. In addition, in order for the Commission to recover any incremental administrative cost, it

would be appropriate to levy a license fee as suggested by Loea. By adopting the current Part 101 licensing requirement for this new spectrum allocation, the Commission would foster the best regulatory environment for investors to provide the required financial support. This is crucial for the successful development of products and for operators to build their networks, and thereby ensure that new products would be available, and new access networks can be built, to meet the burgeoning public demand for Giga-bit per second, broadband Internet access.

A LIMITED SET OF TECHNICAL PARAMETERS WILL BE REQUIRED

DMCSN agrees with Loea that a limited set of Technical Parameters will be required to ensure successful frequency coordination and efficient use of the spectrum for multiple users. Limits on maximum radiated power, and antenna directivity will be required. The specific values of total radiated power and antenna directivity, that Loea has specified appear to be appropriate but need to be studied further before any final values should be set in the rules. The final values could be reviewed in the appropriate standards organizations such as the Telecommunications Industry Association (TIA).

COST EFFECTIVE, LAST MILE, GIGA BIT/SECOND, WIRELESS SOLUTION

Loea's Petition provides the FCC with a unique opportunity. It can issue service rules that will make previously unoccupied spectrum very useable. The 71-76 GHz and 81-86 GHz bands can be used to provide last mile, Internet access at Giga bit per second speed, a service that currently can only be offered over fiber optic cables. In the majority of applications, where fiber like data speeds are currently in demand, the costs to extend the last mile by fiber, are prohibitively high due to the need for street excavation, and

compliance with local by-laws. Last mile, Giga bit, wireless in the 71-76 and 81-86 GHz bands will provide a cost effective solution to this problem.

DMCSN encourages the FCC to take the necessary action to swiftly initiate the process to open the 71-76 GHz and 81-86 GHz frequency bands for use by fixed, point-to-point services, adopting the regulatory regime as specified in these comments. The potential benefit to the public and for the US manufacturing industry in leading the development of products for worldwide application is very high with limited risk. For this reason DMCSN encourages the FCC to act as fast it can to issue service rules that make the 71-76 GHz and 81-86 GHz bands available for fixed point-to-point services.

Respectfully submitted for,

DMC Stratex Networks Inc.

By: R.D.Coles

Ronald D. Coles,

3103, Surber Ct.

Fredericksburg VA 22408

540 899 6882

ron_coles@dmcwave.com

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