

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**In the Matter of** )  
 )  
**FCC Rules Section 101.145 --** )  
**Interference to Geostationary Satellites** ) **RM-9830**  
**from Point-to-Point Microwave Systems** )

**PETITION FOR RELIEF**

The National Spectrum Managers Association (NSMA), by the Petition, requests the Commission to take prompt action in connection with the above-captioned rulemaking proceeding.

1. The original Petition for Rulemaking was filed in November 1999 by the engineering firm Edwards and Kelcey, Inc.\* It proposed modifying the specific requirement for a waiver (in Section 101.145 of the regulations) in connection with “satellite orbital arc intersections” associated with license applications for shared-band terrestrial point-to-point microwave radio systems.

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\* In the interests of full disclosure, the author of this Petition also authored the original Petition for Rulemaking, while working for Edwards and Kelcey. The author has since left that firm, and also since been elected NSMA president. This Petition has been prepared and is being submitted with both the urging and consent of the NSMA Board of Directors, who collectively represent a broad cross-section of industry interests.

2. As described in the original Petition, the waiver requirement is intended to control potential interference from microwave transmitters to satellite up-link receivers. If an orbital intersection is determined to exist, microwave transmitters are subject to specified limits on effective isotropic radiated power.

3. Experience makes it clear that the specific requirement for an “orbital arc intersection waiver” results in both license-processing and system-implementation delays for microwave applications so affected – even with microwave applicants’ stated affirmations of compliance with the subject radiated power limitations. The fact is that the simple inclusion of any waiver request in a license application results in lengthier application processing time. In most cases, that makes sense; in this one, it does not.

4. To our knowledge, no such “orbital arc intersection waiver request” has ever been denied by the Commission; moreover, it is virtually impossible with today’s digital microwave technology to exceed the specified power limits. Thus, in the interests of efficiency, the original Petition suggested an alternative requirement for an explanation and compliance statement in lieu of the waiver request.

5. As we have stated several times before, the NSMA believes the proposed change in the regulations is consistent with the Commission’s ongoing efforts involving regulatory “streamlining”. We believe the proposed change is both

logical and simple to implement, and would bring needed relief to the microwave community.

6. The Commission solicited public comments on the original rulemaking petition in early 2000, and the comments (and reply comments) by more than a dozen industry parties were generally supportive of the proposed change. However, at this point more than two years have passed without subsequent action by the Commission.

7. The NSMA has twice – on January 10<sup>th</sup> and September 9<sup>th</sup> of this year – sent formal letters to the Commission requesting status on this issue and urging action on it. We got no formal response to either letter, and one follow-up telephone call discussion with a member of the Commission’s staff failed to clarify why no action has been taken or seemed forthcoming. That has served as the impetus for us to take this extraordinary step, and we once again urge the Commission to take prompt action on this matter.

Respectfully Submitted,



Daniel J. Collins  
NSMA President

c/o Pinnacle Telecom Group, LLC  
14 Ridgedale Avenue – Suite 262  
Cedar Knolls, NJ 07927

December 10, 2003