Before the
Federal Communications Commission
Washington DC 20554

In the Matter of	)	
	)	
Fixed Wireless Communications Coalition,	)	
Amendment of Sections 101.109 and 101.147	)	RM-11417
of the Commission's Rules to Accommodate	)	
30 MHz Channels in the 6525-6875 MHz Band	)	

REPLY COMMENTS OF THE FIXED WIRELESS COMMUNICATIONS COALITION

Pursuant to Section 1.405 of the Commission's Rules, the Fixed Wireless Communications Coalition (FWCC) files these reply comments in furtherance of its above-captioned Petition for Rulemaking.[1]

The Petition requests an amendment to Sections 101.109©) and 101.147(l) of the Commission's Rules to authorize 30 MHz channels in the 6525-6875 MHz (Upper 6 GHz) fixed service band. A diagram of the proposed channel plan is attached.

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[1] *See* Report No. 2852, Consumer & Governmental Affairs Bureau, Reference Information Center, Petition For Rulemakings Filed (released Feb. 28, 2008).

The FWCC is a coalition of companies, associations, and individuals interested in the fixed service -- i.e., in terrestrial fixed microwave communications. Our membership includes manufacturers of microwave equipment, fixed microwave engineering firms, licensees of terrestrial fixed microwave systems and their associations, and communications service providers and their associations. The membership also includes railroads, public utilities, petroleum and pipeline entities, public safety agencies, cable TV and private cable providers, backhaul providers, and/or their respective associations, communications carriers, and telecommunications attorneys and engineers. Our members build, install, and use both licensed and unlicensed point-to-point, point-to-multipoint, and other fixed wireless systems, in frequency bands from 900 MHz to 95 GHz. For more information, see www.fwcc.us.

The American Petroleum Institute (API), although a member of the FWCC, opposed the FWCC Petition and did not participate in the preparation of this reply comment.

A. INTRODUCTION

Wider channels carry data at higher speeds. The present rules authorize 30 MHz channels in the Lower 6 GHz band (5925-6425 MHz), but the maximum in the Upper 6 is only 10 MHz. The FWCC Petition explained that large numbers of Fixed Satellite Service uplink earth stations impede or prevent the frequency coordination of Lower 6 fixed service links in many parts of the country. The proposed rule would make possible high-speed links in areas where Lower 6 coordination is not feasible.

Our suggested language would allow coordinators to place a 30 MHz link in the Upper 6 only if it cannot be coordinated in the Lower 6. In no event would 30 MHz links be allowed on certain Upper 6 frequencies identified for emergency restoration, maintenance bypass, and other special temporary-fixed purposes.[2] (See the attached diagram.)

The Commission has, in the past, authorized 30 MHz channels in the Upper 6 under waiver. As we explained in the Petition, however, this option carries a disadvantage. Where an applicant ordinarily can begin operation as soon as it files a properly frequency-coordinated application, this "conditional licensing" option is not available for an application that carries a waiver request.[3] The applicant must wait until processing is complete before it can use the link.

Use of a 30 MHz channel in the Upper 6 under the present rules therefore entails delay. Because this band carries critical services for public safety, railroad trains, the electric grid, and wireless telephone traffic, among other applications, facilities must often be activated on short

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[2] 47 C.F.R. Sec. 101.147(l)(7) note 2.

[3] 47 C.F.R. Sec. 101.31(b)(1)(iii).

notice to meet urgent needs. The delays associated with a waiver can have adverse consequences.

B. COMMENTS IN SUPPORT

Four comments were filed in support of the FWCC Petition (in addition to one from the FWCC itself).

Comsearch is a leading frequency coordinator for the fixed service, whose expertise on spectrum issues is widely respected. Comsearch agrees with the FWCC that the need to file a waiver request can be "a substantial hardship,"[4] and that the resulting delay does not serve any useful purpose.[5]

Radio Dynamics Corporation, another fixed service frequency coordinator, asserts that the availability of wider channels in the Upper 6 band will make spectrum management more efficient and economic, and will encourage more rapid introduction of advanced, high speed service.[6]

AT&T Inc., a major fixed service licensee, supports the rule amendment to eliminate the delays caused by the case-by-case waiver approach and to allow operators to respond more expeditiously to their customers' increasing bandwidth needs.[7]

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[4] Comsearch at 1.

[5] *Id*. at 2.

[6] Radio Dynamics Corporation at 2-3.

[7] AT&T Inc. at 4.

Harris Stratex Networks, the largest independent supplier of wireless transmission systems in the world,[8] notes that conditional licensing is needed so that providers can meet public safety, infrastructure, and commercial needs with minimum delay.[9]

C. REPLY TO COMMENT IN OPPOSITION

One opposition was filed. The American Petroleum Institute (API) is concerned that 30 MHz licensing in the Upper 6 could hinder frequency coordination for narrower-bandwidth licensees ousted from the 1.9 and 2.1 GHz bands who seek relocation to 6 GHz.[10] In particular, API fears that 30 MHz availability may encourage speculative licensing, and hence lock out relocating licensees.[11] API acknowledges that a waiver request can delay operations by several weeks,[12] but asserts that this lag can be factored into network construction timetables and does not constitute an unreasonable impediment.[13]

We agree with API on some points. Other FWCC members face the same need to relocate links from 2 GHz. Like API, other members have successfully sought and obtained waivers for 30 MHz channels in the Upper 6.

On balance, however, the FWCC continues to believe the industry is better served by the requested rule change.

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8 Harris Stratex Networks at 1.

9 *Id*. at 3.

10 API at 1, 3-4.

11 API at 1, 4.

12 API at 5.

13 API at 5.

API attributes the undeniable congestion in the Lower 6 to the availability of 30 MHz channels, and predicts that allowing 30 MHz channels in the Upper 6 will bring about similar congestion there as well.[14] But we think a different factor better accounts for the greater congestion in the Lower 6. That band, but not the Upper 6, is shared co-equally with the Fixed Satellite Service: approximately 4,200 earth stations frequency-coordinated for uplink transmissions. Moreover, the Commission's invariable practice is to coordinate and license every such earth station for the entire band, and across the entire geostationary arc -- even if a particular location actually transmits to only one transponder on one satellite. The proliferation of these earth stations has greatly impeded the coordination of fixed service links in the Lower 6. We believe the relative ease of coordination in the Upper 6 results, not from the unavailability of 30 MHz channels, but from the absence of earth stations.

API's predictions of speculative licensing are at odds with two Commission rules. A fixed service station must be put into operation within 18 months of the license grant; otherwise, the license automatically cancels.[15] And the licensee of a 30 MHz channel in the 6 GHz band must load the channel to at least 50% of minimum capacity (as defined in the rules) within 30 months of licensing.[16] Any effort at speculative licensing, so as to hold out 30 MHz channels for future use, would run afoul of one or both of these rules.

Finally, we agree with API that the Commission has generally authorized 30 MHz channels in the Upper 6 on individual request, under waiver. We differ from API, however, in

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[14] API at 4.

[15] 47 C.F.R. Secs. 101.63(a), ©). Separately, a licensee is required to cancel the authorization if the station is out of service for a year or more. 47 C.F.R. Sec. 101.65(b).

[16] 47 C.F.R. Sec. 101.141(a)(3) (table n.3). The minimum capacity for this purpose is 134.1 megabits/sec. 47 C.F.R. Sec. 101.141(a)(3) (table).

our finding that the resulting delay sometimes hinders the provision of services critical to public safety and national infrastructure, including transportation, electrical energy distribution, and wireless telephony, with adverse consequences for the public interest.

CONCLUSION

We urge the Commission to issue a Notice of Proposed Rulemaking at the earliest possible date.

Respectfully submitted,

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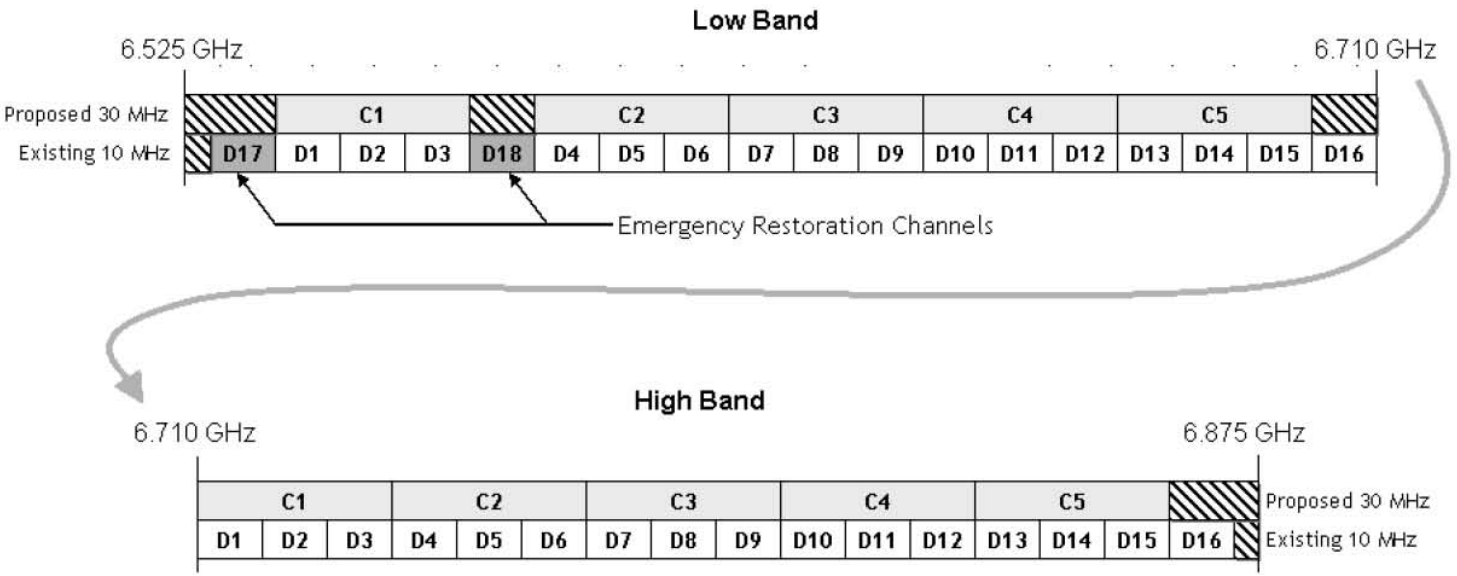
April 30, 2008

Proposed 30 MHz Channelization



CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary with the firm Fletcher, Heald & Hildreth, P.L.C., hereby certify that I have caused to be deposited in first-class mail, postage prepaid, copies of the foregoing "Reply Comments of the Fixed Wireless Communications Coalition" to the persons named on the attached Service List, except that copies directed to persons having addresses at the Federal Communications Commission have been delivered by hand.

Deborah N. Lunt
April 30, 2008

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