

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)	
)	
Amendment of Part 101 of the Commission's)	
Rules to Accommodate 30 Megahertz)	
Channels in the 6525-6875 MHz Band)	WT Docket No. 09-114
)	RM-11417
Amendment of Part 101 of the Commission's)	
Rules to Provide for Conditional Authorization)	
on Additional Channels in the 21.8-22.0 GHz)	
and 23.0-23.2 GHz Band)	

**COMMENTS OF THE
FIXED WIRELESS COMMUNICATIONS COALITION**

The Fixed Wireless Communications Coalition (“FWCC”)¹ files these comments in the above-captioned proceeding.²

A. THE COMMISSION SHOULD QUICKLY ADOPT ITS PROPOSED RULES FOR THE UPPER 6 GHZ BAND.

The Commission proposes to authorize 30 MHz channels in the 6525-6875 MHz (“Upper 6”) band.³ Its doing so will provide Fixed Service applicants with the option of conditional licensing for high-capacity channels in the Upper 6 band, and thus speed the provision of service.

¹ 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.

² *Amendment of Part 101 of the Commission's Rules*, WT Docket No. 09-114, FCC 09-58 (released June 29, 2009) (*Notice*). The FWCC was the original petitioner for both rule changes proposed in the NPRM.

Earlier in the proceeding, the American Petroleum Institute (“API”) expressed concern that allowing 30 MHz channels in the Upper 6 band could lead to congestion similar to that now experienced in the 5925-6425 MHz (“Lower 6”) band, and could also lead to speculative licensing.⁴ We think either outcome is unlikely.

The congestion now seen in the Lower 6 band is not due primarily to wide-bandwidth Fixed Service operation. Rather, the thousands of uplink earth stations in that band create difficulties in frequency-coordinating new Fixed Service stations. Each of these earth stations routinely coordinates the entire Lower 6 band, and the entire visible geosynchronous arc, even if the earth station actually uses far less spectrum on just one or two satellites. In some areas the proliferation of earth stations, in combination with existing Fixed Service operations, leaves little room for new Fixed Service links. But there are no earth stations in the Upper 6, and Fixed Service operators are permitted to coordinate only the frequencies and azimuths they use. There is no reason to expect problems comparable to those in the Lower 6, and we do not anticipate any special difficulties in accommodating narrow-bandwidth links relocated from other bands.⁵

Speculative licensing flatly violates the rules. A 6 GHz Fixed Service station must be placed in operation within eighteen months of receiving its license, or the license automatically cancels.⁶ Once the station is operating, other rules set a minimum payload capacity and require

³ *Notice* at ¶ 15.

⁴ *Notice* at ¶ 16. *See also* Statement in Opposition of American Petroleum Institute in RM-11417 (filed March 31, 2008).

⁵ *See Notice* at ¶ 18.

⁶ 47 C.F.R. § 101.63.

stations to load to at least 50 percent of capacity within 30 months.⁷ API's concerns about abuse of the licensing process are not well founded.

The *Notice* asks whether applicants requesting 30 MHz channels in the Upper 6 GHz band should first be required to show that 30 MHz paths cannot be coordinated in the Lower 6 GHz band, and perhaps also to rule out coordination in the 11 GHz band.⁸ We agree that all 30 MHz applicants in the Upper 6 should be required to show that no paths are available in the Lower 6.⁹ We also agree that new applicants for a path whose length and other characteristics make 11 GHz feasible should have to show the impossibility of coordinating in that band as well. Very long paths, however, and some shorter paths in high-rain environments, may not be suitable for 11 GHz, and should not have to try 11 GHz coordination. Moreover, Upper 6 GHz users already licensed for narrower-band channels, and whose traffic requires expansion to 30 MHz, should not be required to investigate 11 GHz. Their continued operation at 6 GHz will often allow the re-use of facilities, including transmitting equipment and antennas, that would have to be replaced at significant expense for 11 GHz operation.

B. THE COMMISSION SHOULD QUICKLY ADOPT ITS PROPOSED RULES FOR THE 23 GHz BAND.

The proposal to identify two additional 23 GHz channels for conditional licensing would greatly benefit Fixed Service operators and their customers, with no conceivable downside.¹⁰

The Commission should adopt this proposal as well.

⁷ *Notice* at ¶ 16; 47 C.F.R. §§ 101.141(a).

⁸ *Notice* at ¶ 17.

⁹ Our original petition suggested this condition. *See* Petition for Rulemaking of the Fixed Wireless Communications Coalition, RM-11417 at 5 & Appendix (filed Feb. 4, 2008).

¹⁰ *Notice* at ¶ 22.

CONCLUSION

Both proposals are in the public interest and should be swiftly taken into Commission's Rules.

Respectfully submitted,

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