

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Part 101 of the	)	WT Docket No. 09-114
Commission’s Rules to Accommodate 30	)	RM-11417
Megahertz Channels in the 6525-6875	)	
MHz Band	)	
	)	
Amendment to 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	)	
	)	
Fixed Wireless Communications	)	
Coalition Request for Waiver	)	

**COMMENTS OF MOTOROLA, INC.**

Motorola, Inc. (“Motorola”) respectfully submits these comments in response to the Commission’s Notice of Proposed Rulemaking and Order (“Notice”), which requests comment on two revisions of Part 101 of the Commission’s rules governing terrestrial fixed wireless services.<sup>1</sup> Specifically, the Notice proposes to provide terrestrial fixed wireless licensees with authority to operate 30 MHz channels in the 6525-6875 GHz band and to operate on two additional channels in the 21.8-22.0 GHz and 23.0-23.2 GHz bands.<sup>2</sup>

Motorola strongly supports the Commission’s proposal to allow conditional authority in the 23 GHz band. The Commission has acknowledged the many important

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<sup>1</sup> *Amendment of Part 101 of the Commission’s Rules to Accommodate 30 Megahertz Channels in the 6525-6875 MHz Band*, Notice of Proposed Rulemaking and Order, FCC 09-58 (June 29, 2009) (“Notice”). Motorola’s comments are limited to feedback regarding the Commission’s 23 GHz band proposal.

<sup>2</sup> *Id.* at ¶ 1.

services supported by high-speed microwave links.<sup>3</sup> As licensees have begun to provide more and more broadband services, the need for backhaul has increased, and with the Commission making broadband deployment a top priority, this demand will only grow in the coming years. It is thus essential that the Commission make additional spectrum more readily available for deployment of fixed services. The 23 GHz band is ideal for wireless backhaul over short distances,<sup>4</sup> and the Commission's proposal to allow conditional authority on additional channels in this band would greatly serve the public interest.

Currently, conditional authority is limited to just four channel pairs in the 23 GHz band.<sup>5</sup> In the absence of conditional authority to operate, parties seeking to deploy systems in the 23 GHz band cannot operate until the Commission approves the proposed operation. For this reason, and as the Fixed Wireless Communications Coalition ("FWCC") has observed, users vastly prefer conditional licensing.<sup>6</sup> The Commission has noted the benefits of conditional operation, stating that it "provides greater flexibility to Part 101 licensees and enables them to operate more efficiently."<sup>7</sup> Prompt deployment is

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<sup>3</sup> *Id.* at ¶ 15 ("As FWCC states, such links support a variety of important commercial, public safety, and consumer uses, including backhaul for broadband systems.").

<sup>4</sup> Letter from Mitchell Lazarus, Counsel for the Fixed Wireless Communications Coalition, to Marlene H. Dortch, Secretary, Federal Communications Commission, RM 11-417, Attachment at 5 (filed Mar. 13, 2009) ("FWCC Ex Parte").

<sup>5</sup> Notice at ¶ 20. *See also* 47 C.F.R. § 101.31(b)(1)(vii).

<sup>6</sup> FWCC Ex Parte, Attachment at 6 (demonstrating that as of March 4, 2009, there were nearly 7,000 licensed, applied for, or proposed frequency assignments in each four-channel grouping in the 23 GHz band where conditional licensing is allowed and fewer than 2,000 in each of those where conditional licensing is not allowed).

<sup>7</sup> Notice at ¶ 22; *Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services*, Report and Order, 11 FCC Rcd 13449, ¶¶ 26-27 (1996).

especially important in the context of fixed services, as these bands “carry critical services” and conditional authority “allows providers to meet public safety, infrastructure, and commercial needs with minimum delay.”<sup>8</sup> Allowing conditional authority in these bands would enable the provision of these important services much more quickly, an outcome that is clearly in the public interest.

Finally, Motorola notes that NTIA apparently has no objection to the Commission’s proposed rule change.<sup>9</sup> For this reason, and because the Commission’s proposal regarding the 23 GHz band is clearly in the public interest, Motorola urges the Commission to act quickly in adopting it.

Respectfully submitted,

/s/ **Robert Kubik**

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<sup>8</sup> Petition for Rulemaking of Fixed Wireless Communications Coalition, RM-11417, at 4 (filed Feb. 4, 2008).

<sup>9</sup> Notice at ¶ 22.