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July 29, 2011

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses and to Provide Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees**

Dear Ms. Dortch:

On July 27, 2011, Katharine Saunders and I met with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn, regarding the above-captioned proceeding. As noted in our Comments,<sup>1</sup> we expressed our support of efforts to make additional spectrum in the 7 GHz and 13 GHz bands available for wireless backhaul. Making additional spectrum for microwave operations available will help supplement other backhaul alternatives, thereby promoting the future deployment of advanced communications services. Fixed microwave services are a segment of a robust industry in which various types of providers – including cable companies, CLECs, fiber providers, and fixed wireless operators – compete to deliver high-capacity services. As competition for these services continues to increase, a corresponding demand for additional spectrum for broadband-related uses has also grown. We urged the Commission to authorize additional spectrum for Part 101 FS operations to help meet this growth. Further, to ensure that additional spectrum authorized is suitable for wireless backhaul, we encouraged the Commission to adopt a channelization scheme that includes channel bandwidths of at least 30 megahertz, as narrower channels may not provide adequate capacity for wireless backhaul. We also

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<sup>1</sup> Comments of Verizon and Verizon Wireless, *Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses and to Provide Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees*, WT Docket No. 10-153 (Oct. 25, 2010).

recommended that FCC consider band segmentation that would align similar services in specified channels to avoid interference.

Additionally, while we generally support the proposed adaptive modulation rule, we made clear that it must be accompanied by specific limitations on the scope and duration of deviations from the Commission's spectral efficiency requirements. These limitations will decrease the risk of unnecessary interference and spectrum congestion stemming from the improper use of adaptive modulation and ensure that adaptive modulation states that do not comply with Section 101.141(a)(3) minimum payload capacity requirements are utilized only in exceptional circumstances. The proposed limitations will also create incentives for systems to be engineered to highly efficient standards. In particular, the Commission should avoid undercutting current path design practices that result in 99.999% availability or higher at data rates that exceed Section 101.141(a)(3) minimums. A time-based condition should be employed to limit the use of non-compliant modulations based on fading calculations that predict path availabilities of 99.999% or higher when a compliant modulation is in use. This target value would indicate that a highly reliable path has been planned and that the limited use of adaptive modulation to maintain connectivity will not be abused to the detriment of sound spectral efficiency. Additionally, the minimum payload capacity of non-compliant modulations should be set at two-thirds of the minimum payload capacities already set forth in Section 101.141(a)(3). And, to aid in enforcement, fixed service operators who propose use of non-compliant modulations should be required to affirm on their license application that the time-based requirements governing non-compliant operation are met.

Finally, we opposed the auxiliary station proposal. That proposal would undermine the goal of promoting cost-efficient access to adequate backhaul by leading to increased interference, less usable spectrum for backhaul, and increased costs for those operating existing systems or building new primary links.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis Peraertz". The signature is written in a cursive, flowing style with some loops and flourishes.

cc: Louis Peraertz