

WILLIAM K. KEANE
 DIRECT DIAL: +202.776.5243
 PERSONAL FAX: +202.478.2160
 E-MAIL: kkeane@duanemorris.com

www.duanemorris.com

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February 7, 2012

Ms. Marlene S. Dortch
 Secretary
 Federal Communications Commission
 445 12th Street S.W.
 Room 2-B450
 Washington DC 20554

Re: **WT Docket No. 07-293; ID Docket No. 95-91;**
GEN Docket No. 90-357; RM-8610 Ex Parte Notice

Dear Ms. Dortch:

Aerospace and Flight Test Radio Coordinating Council (“AFTRCC”), by its attorneys, hereby submits these comments concerning an issue raised in recent ex parte filings by Sirius XM Radio Inc. (“Sirius”) and the WCS Coalition (“WCS” or the “Coalition”). That issue concerns the treatment of fixed stations under the new Rules for WCS.

Sirius has noted that WCS licensees have failed to provide notification to Sirius regarding their facilities.¹ WCS licensees have taken the position that the only facilities they need notify are base stations, i.e. fixed stations used to communicate with mobiles; that to the present there are no base stations to notify; and that fixed station coordination is not required by the Rules.²

Fixed stations are not expressly covered by the terms of the Rule (27.73) applicable for coordination with aeronautical mobile telemetry (“AMT”) and the NASA deep space facility at Goldstone, CA.³ This is an omission which needs to be rectified.

AFTRCC has been coordinating WCS fixed stations in the 2345-2360 MHz band for nearly five years. The most recent such request was submitted by Sprint Nextel Corporation on January 11, 2012 for an experimental authorization. It was successfully coordinated on January

¹ Sirius XM Radio Inc. letter dated December 16, 2011.

² WCS Coalition letter dated January 6, 2012.

³ See *Report and Order and Second Report and Order*, FCC 10-82, 25 FCC Rcd 11710 (2010).

27. This is consistent with long-standing practice of coordination between WCS licensees and AFTRCC for this band and these types of facilities.

According to AFTRCC's records, it has coordinated approximately 18 fixed station proposals for some 42 locations. Such coordination has helped AMT operators and WCS licensees to achieve mutual compatibility, an especially important consideration for AMT given its secondary status in the band.⁴

Unlike 2345-2360 MHz, AMT occupies primary status in 2360-2390 MHz where its operations are flight-safety related. While the Commission has required prior WCS coordination with AFTRCC for WCS base stations, interference to an AMT receive dish is no less harmful for the fact that it may emanate from a fixed station. Fixed WCS stations are subject to the same 2000 watt maximum power limit as base stations (Rule 27.50).

Other Part 27 Rules routinely require coordination for base and fixed stations with licensees in co- and adjacent bands including Government and Non-Government licensees, the Broadband Radio Service, Part 101 microwave licensees, and others. *See, e.g.*, Rules 27.50(b)(7), (c)(5), and (d)(3), and 27.1131. It makes no sense to require coordination for these licensees, but not for WCS. Any other result puts at risk sensitive Government and Non-Government AMT receiving facilities especially as WCS licensees build out backhaul networks.

Accordingly, AFTRCC urges the Commission to revisit the fixed station issue and to take steps to rectify the omission.

A copy of this ex parte statement is being submitted for the docket via ECFS.

Sincerely,



William K. Keane
Counsel for AFTRCC

⁴ The band had been allocated for AMT prior to the reallocation to SDARS in 1995, at which point AMT assumed secondary status. This condition obtained through the subsequent reallocation to WCS. *See In the Matter of Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service ("WCS")*, 12 FCC Rcd 10785 at paras. 12 and 36 (1997).