

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)	
)	
Wireless Telecommunications Bureau)	WT Docket No. 12-156
Seeks Information from the Public for)	
Report to Congress on Microwave Bands)	

COMMENTS OF THE UTILITIES TELECOM COUNCIL

The Utilities Telecom Council (UTC)¹ files these comments in response to the June 20, 2012, Public Notice in the above-captioned proceeding.² UTC supports the comments of the Fixed Wireless Communications Coalition (FWCC) filed in this proceeding.³

UTC agrees with the FWCC that the "rejection rate" for coordination of facilities in the 11, 18, and 23 GHz is at or nearly zero.⁴ As the FWCC reports, the microwave coordination process is flexible and makes efficient use of the spectrum.⁵ Bottomline, UTC cannot recall that there has ever been an application that it has coordinated in these bands that could not be

¹ UTC is the international trade association for the telecommunications and information technology interests of electric, gas and water utilities and other critical infrastructure industries. UTC's members include large investor-owned utilities that may serve millions of customers across multi-state service territories as well as relatively small rural electric cooperative and municipal utilities that may serve a few thousand customers in rural and isolated communities around the country. UTC's members own, manage or control extensive communications systems that they use to support the safe, reliable and effective delivery of essential services to the public at large. These systems include microwave communications networks, including many that are licensed in the 11, 18 and 23 GHz bands.

² *Wireless Telecommunications Bureau Seeks Information from the Public for Report to Congress on Microwave Bands*, WT Docket No. 12-156, Public Notice, DA 12-972 (released June 20, 2012).

³ UTC is a member of the FWCC.

⁴ Comments of the FWCC in WT Docket No. 12-156 at 2, 3, and 8 (filed Jul. 16, 2012).

⁵ *Id.* at 13.

accommodated, whether it was ultimately for a commercial or private facility. In addition, UTC is not aware of any application for a commercial facility in the bands that was dismissed by the FCC after it had been coordinated. Typically, properly prior coordinated applications are granted by the FCC. As such, Congress's concern about the "rejection rate" for commercial applications in the bands seems misplaced.⁶

Moreover, UTC emphasizes that these bands should not be auctioned out of some misplaced concern that the use of the bands for private operational fixed services prevents the use of the band for common carrier services. As the FWCC explained in its comments, it would be a mistake to auction these bands because it is likely that the auction revenues would be low and the bands would be relatively underused if they were auctioned.⁷ Moreover, relocation of incumbents in the band would have a significantly harmful impact on businesses that are licensed in the bands.⁸

Unlike the 2 GHz band that was cleared to make way for PCS, MSS and now AWS; there isn't any readily available spectrum above the 11, 18 and 23 GHz bands to relocate incumbents to and even if there was, it would be bad policy to disrupt private microwave communications in the bands, which are used by utilities and critical infrastructure industries to support the safe,

⁶ Whether an application is for a commercial or private facility typically isn't even known until after it is filed at the FCC, so it would be difficult to determine the "rejection rate" for commercial coordinations, even if there had been instances where coordination was unsuccessful. The issue is moot of course, because the rejection rate is near zero for all applications in the bands.

⁷ See Comments of the FWCC in WT Docket No. 12-156 at 13-16 (filed Jul. 16, 2012). Section 309(j)(6)(E) requires the Commission try to avoid auctioning spectrum and "to continue to use engineering solutions, negotiation, threshold qualifications, service regulations, and other means to avoid mutual exclusivity in application and licensing proceedings." 47 U.S.C. § 309(j)(6)(E).

⁸ See Comments of the FWCC in WT Docket No. 12-156 at 5-6 (filed Jul. 16, 2012)(describing the importance of fixed microwave and its use by a variety of business entities).

effective and reliable delivery of electricity, gas and water and other essential services to the public at large. The reallocation of the 2 GHz bands was extremely disruptive to utility and other critical infrastructure communications systems, and is still ongoing. Many of these systems had to be relocated to 6 GHz as a result of the relocation, which took years to accomplish, and is still ongoing in the upper 2 GHz band. Moreover, the loss of the 2 GHz band placed additional constraints on the availability of microwave spectrum; auctioning the 11, 18 and 23 GHz bands would impose further constraints on utilities and critical infrastructure industries that heavily rely on microwave spectrum for high capacity point-to-point and multipoint fixed links.

WHEREFORE, the premises considered, UTC respectfully requests that the Commission report to Congress that these bands should not be auctioned, and that there is no "rejection rate" of commercial applications in these bands.

Respectfully submitted,

Utilities Telecom Council

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