

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
)  
Amendment of Part 101 of the Commission’s )  
Rules to Facilitate the Use of Microwave for )  
Wireless Backhaul and Other Uses and to ) WT Docket No. 10-153  
Provide Additional Flexibility to Broadcast )  
Auxiliary Service and Operational Fixed )  
Microwave Licensees )  
)  
Petition for Rulemaking filed by Fixed )  
Wireless Communications Coalition to Amend )  
Part 101 of the Commission's Rules to ) RM-11602  
Authorize 60 and )  
80 MHz Channels in Certain Bands for )  
Broadband Communications )

To: The Commission

**COMMENTS OF COMSEARCH**

Comsearch hereby submits comments on the *Second Further Notice of Proposed Rulemaking* (“*FNPRM*”) issued by the Commission on August 3, 2012, in the above-captioned proceeding.<sup>1</sup>

**A. Smaller Antennas in the 13 GHz Band**

Comsearch suggested the proposed rules for smaller 13 GHz antennas listed in the *FNPRM*<sup>2</sup> and thus agrees the Commission should adopt the modified standards. Comsearch

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<sup>1</sup> 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, *Second Report and Order, Second Further Notice of Proposed Rulemaking, Second Notice of Inquiry, Order on Reconsideration, and Memorandum Opinion and Order*, FCC 12-87, 27 FCC Rcd 9735 (2012) (“*FNPRM*”).

<sup>2</sup> *FNPRM* at ¶ 64.

previously argued in this proceeding for smaller antennas for the 6, 18, and 23 GHz bands.<sup>3</sup> The benefits of smaller antennas previously considered by the Commission for the other bands are just as applicable to 13 GHz. Allowing smaller antennas by relaxing the beamwidth and required suppression breakpoints near the main beam, as necessary, while at the same time tightening the farther breakpoints, can be a reasonable tradeoff for spectral efficiency and meeting the goals of lower cost, ease of installation, and less obtrusive appearance.

## **B. 11 GHz Antenna Rules**

Comsearch notes that the first sentence of Section 101.113(b) in “Appendix C – Proposed Rules” does not read correctly, and assumes the Commission intends the text FWCC submitted: “The maximum power of transmitters that use Automatic Transmitter Power Control (ATPC) and the power of non-ATPC transmitters shall not exceed, and shall be maintained as near as practicable to, the power input or output specified in the instrument of station authorization.”<sup>4</sup> With this correction, Comsearch supports the proposed modifications to Sections 101.113(a) and (b) and Section 101.115(f) listed in Appendix C – Proposed Rules.

First, we agree that the FNPRM’s proposed changes to Section 101.113, which more clearly state the requirement to license only the necessary power, will enhance efficient use of the spectrum; and we support these changes rather than the alternate additional modifications to Section 101.115(f) proposed by FWCC.

Second, the proposed changes to current Section 101.115(f) also must be adopted. As we have argued previously, changing “maximum EIRP allowed by the rules” to “authorized EIRP” in the third sentence of Section 101.115(f) is necessary for the rule to require the licensee of a Category

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<sup>3</sup> Comments of Comsearch, WT Docket Nos. 10-153, 09-106 and 07-121, October 25, 2010, p. 25; Letter from Christopher R. Hardy, Comsearch, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 10-153, 09-106 and 07-121, April 14, 2011.

<sup>4</sup> Written Ex Parte Communication of the Fixed Wireless Communications Coalition, March 9, 2012, p.4.

B antenna to modify its system to correct interference as intended.<sup>5</sup> Under the present language of Section 101.115(f), which requires EIRP reduction to the level of a Category A antenna with 55 dBW (85 dBm) EIRP in the main beam, there is, in practical terms, no obligation to modify a system using a Category B antenna. This is because the Category B antenna would in almost every case already be operating below this EIRP limit. In other words, although potential interference may be identified as described in the second sentence of Section 101.115(f), the third sentence of the rule, as currently written, effectively doesn't require such interference to be resolved. Section 101.115(f) was added to give 11 GHz licensees an additional (perhaps preferable) option to fix interference caused by use of a Category B antenna. It was not added so Category B licensees could avoid any obligation to resolve interference. Thus to our reading the effect of the rule as currently written is clearly at odds with the Commission's intent.

The Commission should not place too much reliance on its statement that it is "unaware of instances where this rule has led to interference disputes or precluded the placement of links in an area."<sup>6</sup> The fact that disputes have not been brought to the Commission's attention could be the result of affected licensees or applicants not having any grounds to object under the present rule language, or it could result from the bands still having sufficient capacity to allow frequencies to be assigned while avoiding conflicts with the Category B antennas.

Indeed, a lack of notable problems so far does not mean that lower performance antennas should be allowed to remain indefinitely when they can be shown to result in interference. At some point a level of congestion may be reached that will make Category A upgrades or EIRP reductions more commonly necessary, and effective rules need to be in place to ensure the necessary changes are implemented promptly.

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<sup>5</sup> Comments of Comsearch, WT Docket No. 10-153, RM-11602, October 4, 2011, pp. 4-5.

<sup>6</sup> FNPRM at ¶ 69.

### **C. Antenna Upgrades**

In the FNPRM the Commission affirms its long-standing policy that use of antennas below a minimum Category B standard should not be allowed.<sup>7</sup> Comsearch agrees.

Comsearch is encouraged that the Commission has rejected the most objectionable aspects of WSI's proposal by maintaining the minimum Category B antenna requirement and by modifying Section 101.115(c), as opposed to Section 101.115(f) as requested by WSI, to allow upgrades below Category A. Nevertheless, Comsearch still believes that prediction of an interference conflict involving a Category B antenna may be the best available indication that an area or site is congested, and that in such a situation the most efficient policy is to require replacement of the antenna with one meeting Category A.

If the Commission chooses to implement the proposed rule, opening the possibility that an antenna may trigger multiple incremental upgrade requests, then completing upgrades expeditiously may become an even more important issue. To avoid concern about delays, the Commission should specify the expected - appropriately short - timeframe in which the replacement of a Category B antenna under the rule should be completed.

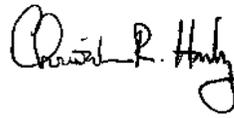
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<sup>7</sup> FNPRM at ¶ 75.

**D. Conclusion**

For the foregoing reasons, Comsearch encourages the Commission to take action in this proceeding consistent with the recommendations set out above.

Respectfully submitted,

A handwritten signature in black ink that reads "Christopher R. Hardy". The signature is written in a cursive style with a large initial "C" and a distinct "H".

Christopher R. Hardy  
Vice President

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October 5, 2012