

VIA ELECTRONIC FILING

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

In the Matter of)
)
)
Amendment of Part 101 of the Commission's Rules to) WT Docket 10-153
Facilitate the Use of Microwave for Wireless Backhaul)
and Other Uses and to Provide Additional Flexibility to)
Broadcast Auxiliary Service and Operational Fixed)
Microwave Licenses (WT Docket No. 10-153).)

REPLY OF WIRELESS STRATEGIES, INC.

Wireless Strategies, Inc. ("WSI") files this Reply to the Opposition of the Fixed Wireless Communications Coalition¹ to WSI's Petition for Reconsideration in the above-captioned proceeding.²

A. WSI's PETITION MEETS THE STANDARDS FOR RECONSIDERATION

As shown below WSI's petition does meet the standards for reconsideration and therefore should be granted, and further, the FWCC's Opposition to Petition for Reconsideration has no merit.

¹ FWCC Opposition to Petition for Reconsideration, December 5, 2012

² Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses, Action by the Commission August 3, 2012, 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).

B. RECONSIDERATION IS IN THE PUBLIC INTEREST AS IT WOULD SPEED THE ROLLOUT OF BROADBAND NETWORKS, SAFELY BRING NEW BROADBAND SERVICES TO UN-SERVED AND UNDERSERVED COMMUNITIES AND MARKETS, AND ELIMINATE UNNEEDED REGULATIONS.

The major goal of this proceeding³ is to bring broadband to un-served and underserved communities and markets. It is estimated⁴ that 23 million homes are without broadband access, 76 million small- and medium-sized businesses are underserved,⁵ and 70% of the backhaul market⁶ is still served by slow and expensive T1 because it is uneconomical to provide service via off-net fiber or point-to-point licensed microwave.

As the Commission knows and industry agrees, Rules 101.103, 101.115(c) and, in the 11 GHz band, Rule 101.115(f) have prevented and will continue to prevent any compliant (Category A) or non-compliant (Category B) antenna from causing harmful interference and blocking new applicant paths.

It is meaningless to propose arbitrary specifications for non-compliant (Category B) antennas as a way to prevent harmful interference to existing licensees and pending applicants, and from blocking new applicant paths, since Rules 101.103, 101.115(c) and 101.115(f) achieve these goals. The harmful consequence of adding arbitrary specifications is to prevent licensees from bringing broadband to un-served and underserved communities and markets by delaying the introduction of optimally-sized (small) antennas, and forcing licensees to use non-optimized antennas.

The FWCC has stated that it is in favor of adding such arbitrary specifications to the Rules for non-compliant antennas, and gave as their reason that if the Rules permitted optimally-sized (small) antennas, operators would be reluctant to comply with Rules 101.115(c) and 101.115(f). The FWCC claim that their comments are based on their experience in the 11 GHz band with operators using small (Category B) 2-foot antennas. However, the Commission has stated that it

³ WT Docket 10-153

⁴ Broadband Adoption and Take Rate Brief, www.broadband-mapping.com

⁵ Today it is estimated 70% of small and mid-size business are served with expensive and slow (1.5 Mbps) T1, much slower than could be achieved with the latest microwave technologies at a much lower cost per bit..

⁶ WSI's market research.

is unaware of instances where interference disputes have precluded the placement of links in a given area, and has asked for examples of where interference problems have precluded others from using 11 GHz spectrum within a given area. The FWCC has yet to provide any such examples.

Another flawed argument put forward by the FWCC is that the deployment of many less-directional (optimally-sized, small) antennas over a geographic area would "raise the noise floor."⁷ This is already prevented by Rule 101.115, which states that if a non-compliant antenna is shown to be likely to cause, or contribute to, interference, it must be upgraded -- ultimately to Category A.

The final flawed argument put forward by the FWCC is that an arbitrary specification for non-compliant (Category B) antennas is necessary to give frequency coordinators a basis for planning (performing an interference analysis). This is not the case because Rule 101.103 requires the actual antenna model number, antenna gain and the antenna pattern, so that frequency coordinators can perform an interference analysis. The Category B specifications are neither required nor used for this analysis.

CONCLUSIONS

As shown above, Category B specifications:

- Do not prevent harmful interference
- Do not prevent the blocking of new applicants
- Are not used in the prior coordination process
- Will not "raise the noise floor"

Removing the unneeded and arbitrary Category B specifications from Rule 101.115 will permit the use of small optimized antennas, finally permitting licensees to safely and cost-effectively provide broadband to the millions of un-served and underserved communities and to enterprise

⁷ FWCC filing December 5, 2012, page 7, line 7.

and backhaul markets. In doing so, the Commission would take the next step in advancing microwave backhaul and access.

For all the above reasons, the Commission should consider WSI's Petition for Reconsideration.

Respectfully submitted,

Michael Mulcay
Chairman Wireless Strategies, Inc.
PO Box 2500
Carmel Valley, CA 93924
(831) 659-5618

December 14, 2012

CERTIFICATE OF SERVICE

I, Michael Mulcay, Chairman of Wireless Strategies Inc. hereby state that true copies of the foregoing Reply of Wireless Strategies Inc. were sent this 14th day of December, 2012, by first class mail, postage prepaid to Mitchell Lazarus, FLETCHER HEALD & HILDRETH, P.L.C. 1300 North 17th Street, 11th Floor, Arlington, VA 22209

Michael Mulcay

cc via email:

Julius Genachowski, Chairman
Robert McDowell, Commissioner
Mignon Clyburn, Commissioner
Jessica Rosenworcel, Commissioner
Adjit Pai, Commissioner
Zachary Katz, Chief of Staff to Chairman Genachowski
Charles Mathias, Special Council to Chairman Genachowski
Angela Giancarlo, Chief of Staff to Commissioner McDowell
Dave Grimaldi, Senior Legal Advisor to Commissioner Rosenworcel
Matthew Berry, Chief of Staff to Commissioner Pai
Ruth Milkman, Chief WTB
James Schlichting, Senior Deputy Chief WTB
John S. Leibovitz, Deputy Chief, WTB
Tom Peters, Chief Engineer, WTB
Blaise Scinto, Chief Broadband Division WTB
John Schauble, Deputy Chief Broadband Division WTB
Stephen Buenzow, Deputy Chief Broadband Division WTB
Charles Oliver, Attorney Advisor Broadband Division WTB
Brian Wondrack, Attorney Advisor Broadband Division WTB

Mitchell Lazarus, Counsel for the Fixed Wireless Communications Coalition