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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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March 4, 1996

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: ET Docket No. 95-183
RM-8553
PP Docket No. 93-253

Dear Mr. Caton:

On behalf of the Digital Microwave Corporation, we are filing an original and four (4) copies of its Comments in the above-referenced proceeding.

If there are any questions, do not hesitate to contact the undersigned.

Respectfully submitted,

FLETCHER, HEALD & HILDRETH, P.L.C.

Leonard Robert Raish

Leonard Robert Raish
Counsel for Digital Microwave
Corporation

LRR:cej
Enclosures

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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MAR - 4 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of the Commission's Rules)	ET Docket No. 95-183
Regarding the 37.0 - 38.6 GHz and)	RM-8553
38.6 - 40.0 GHz Bands)	
)	
Implementation of Section 309(l) of)	PP Docket No. 93-253
the Communications Act - Competitive)	
Bidding, 37.0 - 38.5 GHz and)	
38.8 - 40.0 GHz)	

To: The Commission

**COMMENTS OF THE
DIGITAL MICROWAVE CORPORATION**

The Digital Microwave Corporation ("DMC"), through its attorneys, submits the comments below on the above cited matters. In these Comments, DMC indicates its support for the separate Comments being filed by the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association ("TIA").

I. GENERAL

DMC is one of the largest suppliers of digital microwave equipment in the global market and the fourth largest supplier in the United States. Its customers include common carriers offering a variety of digital transmission services to their customers as well as private users and governmental agencies. Its corporate headquarters is located in San Jose, California. As a supplier of microwave equipment, DMC is vitally interested in the Commission's regulations governing licensing and spectrum allocations.

II. PROPOSALS OF TIA ARE SUPPORTED

In its Comments, TIA has proposed the Commission lift its processing freeze on all 39 GHz band applications filed by the December 15, 1995 release date of the NPRM and to permit any mutually exclusive applicants to file amendments. TIA also has proposed that all eligible pending 39 GHz band applications, including those filed by the Amendment Deadline, be granted soon. DMC would urge the Commission to take these proposals into account and otherwise encourage those interested private sector companies to advance their systems to better serve the American public. Build-out of 39 GHz band systems should be allowed to proceed on a realistic basis to meet marketplace requirements. TIA proposes there be a balance between safeguarding "spectrum warehousing" and provide licensees with adequate flexibility and makes several suggestions for carrying this out. The point is well taken and DMC suggests the Commission adopt a reasonable provision in its Rules to permit this.

III. CHANNELIZATION PLAN CONCURRED IN EXCEPT FOR THE APPLICATION OF 1 bps/Hz STANDARD

In its Comments, TIA indicates its for support the proposed channelization and TR spacing for the 37 GHz band and retention of this plan for the 37 GHz band. DMC concurs in this as well as the Commission's proposal to forego prescribing any specific band subchannelization (See NPRM at para. 20).

DMC notes that TIA has recommended that a 1 bps/Hz standard should be applied for the single pair of 37 GHz band channels to be assigned private FS users. DMC feels, however, the spectrum efficiency standard such as set forth in § 21.122(e) for microwave transmitters employing digital modulation techniques in the 17.7-19.7 GHz band would be preferable. It is suggested the Commission consider extending this standard to the 37 GHz

band channels referenced above.

**IV. SHARING WITH GOVERNMENT
SPACE RESEARCH OPPOSED**

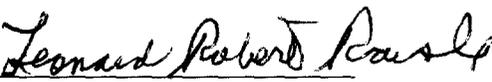
DMC is strongly opposed to sharing the 37-39 GHz band with Government Space-to-earth research operations. The anticipated nature of fixed services that will be using the band is such that sharing arrangements would be unrealistic. TIA makes this point and DMC concurs.

V. CONCLUSIONS

DMC requests the Commission to note the foregoing discussion and to give substantive consideration to the comprehensive Comments filed separately by TIA. (Representatives of DMC were major participants in the preparation of the TIA comments.)

Respectfully submitted,

DIGITAL MICROWAVE CORP.

By: 
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Its Attorney

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Date: March 4, 1996

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