

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of the Commission's Rules)
Regarding the 37.0-38.6 GHz and)
38.6-40.0 GHz Bands)
)
Implementation of Section 309(j) of the)
Communications Act -- Competitive Bidding,)
37.0-38.6 GHz and 38.6-40 GHz)

ET Docket No. 95-183
RM-8553

PP Docket No. 93-253

To: The Commission

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COMMENTS

In the above-captioned Notice of Proposed Rule Making and Order ("NPRM"), the Commission proposes amending its rules to establish a channel plan, licensing requirements, and technical rules so that fixed point-to-point microwave service ("FS") licensees could use the 37.0-38.6 GHz band ("37 GHz band") and the 38.6-40.0 GHz band ("39 GHz band"). Pursuant to Section 1.415 of the Commission's Rules,¹ Alcatel Network Systems, Inc. ("ANS"),² by its attorney, hereby comments on the NPRM.³

¹47 C.F.R. Section 1.415 (1996).

²ANS is a wholly-owned subsidiary of Alcatel Alsthom ("Alcatel"), one of the world's largest corporations (with annual sales in excess of \$30 billion) and the world's largest manufacturer and supplier of telecommunications equipment. In particular, Alcatel is the world's largest independent manufacturer and supplier of microwave radios. Formerly Collins Radio and Rockwell International, ANS, with over \$750 million in annual sales, is a world leader in manufacturing microwave and light wave transmission systems. ANS' equipment is used for a wide range of services, including short, medium and long-haul voice, video and data transmission. Its microwave customers include all the Bell Operating Companies, most major independent telephone companies, cellular operators, power and other utility companies, oil companies, railroads, industrial companies, and state and local government agencies.

³The deadline for filing comments on the NPRM was extended to March 4, 1996. Order (DA 96-144, released February 9, 1996).

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ANS generally supports adoption of the rules proposed in the NPRM. However, certain revisions are necessary to ensure that 39 GHz band, wireless (including PCS), and FS applicants and licensees are afforded maximum opportunities to utilize their assigned frequencies, provide essential services, and serve the public interest.

In comments filed contemporaneously herewith, the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association ("TIA"), proposes the following revisions to the rules set forth in the NPRM:

- Make service areas compatible so that the 37 GHz band contains only Basic Trading Areas and the 39 GHz band contains only rectangular service areas, provided that any new rectangular service area would be limited to Basic Trading Area boundaries;
- Protect 39 GHz licensees and applicants so that they are eligible for grandfathering if they meet applicable build-out requirements;
- Exempt PCS licensees in the 37 GHz band from auctions on six (6) channel pairs for a limited period and exempt private FS users in the 37 GHz band from auctions on one (1) channel pair indefinitely;
- Impose build-out requirements based upon service area population or population density;
- Limit initial channelization in the 37-40 GHz band to point-to-point microwave users; actively support adoption of applicable technical rules for point-to-multipoint users after adoption of the rules herein; and prohibit mobile users from using the 37-40 GHz band due to the significant threat of interference to fixed operations;
- Adopt minimum technical rules to increase licensee flexibility and decrease equipment costs; and
- Limit government band-sharing to a single channel pair, provided Part 101 coordination criteria are met, and prohibit space research government band-sharing.

ANS has participated actively with TIA in developing these proposals. It has reviewed TIA's Comments in this proceeding and supports adoption of the revisions proposed therein.

Respectfully submitted,

ALCATEL NETWORK SYSTEMS, INC.

By:

A handwritten signature in black ink, appearing to read "Robert J. Miller", written over a horizontal line.

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March 1, 1996

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