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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 Harris Corporation-Farinon Division, 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 Harris Corporation-
Farinon Division

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Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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

To: The Commission

COMMENTS OF
HARRIS CORPORATION - FARINON DIVISION

The Harris Corporation - Farinon Division ("Harris"), through its attorneys, submits the Comments below in response to the Commission's Notice of Proposed Rulemaking ("NPRM") in the above cited proceeding. Essentially, these comments are consistent with and supportive of the Comments being filed separately by the Fixed Point-to-Point Communications Section, Networks Equipment Division of the Telecommunications Industry Association ("TIA").

I. GENERAL

Harris is a Florida corporation with its headquarters located in Melbourne, Florida. Through its Farinon Division, located in San Carlos, California, Harris designs, develops and manufactures microwave and multiplex systems used by licensees in the terrestrial fixed microwave service. Harris is one of the largest suppliers of microwave equipments in the global market. As a leading manufacturer of equipment used in the terrestrial fixed services, Harris is interested in advancing the state-of-the-art in microwave technology and to maximize the use of frequency bands made available for the microwave services.

II. COMMENTS BEING FILED SEPARATELY BY TIA ARE SUPPORTED

Harris was an active participant in the deliberations that culminated in the Comments being filed by TIA. Those comments are significant and represent a major effort by TIA to provide the Commission with substantive information in the above cited proceeding. In this connection, Harris emphasizes the terrestrial Fixed Services are essential to many users among the American public, e.g., railroads, pipeline companies, utilities, public safety, and mobile telephone systems. The new telecommunications technologies, particularly the wireless services represent an exploding growth of point-to-point microwave communications for which spectrum must be identified. TIA's comments addresses the foregoing in a straightforward manner.

III. INTEREST OF EXISTING 39 GHZ BAND LICENSEES AND APPLICANTS SHOULD BE RESPECTED

Harris has been impressed by the extraordinary efforts of many parties to provide telecommunications services in the 39 GHz band. The Commission has been most unfair in freezing all 39 GHz applications filed by December 15, 1996 (the release date of the NPRM in this proceeding). Applicants have been seriously attempting to resolve conflicts among applications as evidenced by amendments being filed. Harris specifically concurs with TIA's recommendation that the group of eligible 39 GHz licensees and applicants eligible for grandfathering be expanded.

IV. ESTABLISHMENT OF AN EFFECTIVE YET FLEXIBLE BUILD OUT REQUIREMENT IS IMPORTANT

TIA has commented extensively on the matter of "build-out requirements" in its filing. Harris helped prepare and concurs in those comments. However, Harris would go one step further and underscore the importance of the need for a build out requirement that will not impede the capability of CAPS to respond effectively and expeditiously to the needs of an everchanging and

dynamic market. Build out requirements should at the very least be based on the population of the licensed area, the needs of CAPs customers, with freedom to dedicate microwave link capacity as the market demands.

V. PROVIDERS OF PCS SERVICES SHOULD NOT BE SUBJECT TO AUCTIONS

TIA also comments extensively on the subject of auctions emphasizing the spectrum needs of PCS and private Fixed Service licensees must be protected. FS networks are depended upon PCS as they are far less costly than landlines. In their bidding calculations, PCS licensees relied upon the availability of FS spectrum in making their bids.

Noting the pro-competition theme of the Telecommunications Act of 1996, PCS providers should not be required to go through a costly "second" auction procedure before establishing their wireless backbone infrastructure. Forcing them to go through a second round of auctions would be an impediment to their capability to own telecommunications networks independent of other telecommunications carriers. The Commission should bear in mind the financial commitments the PCS providers have already undertaken in the course of the spectrum auctions at 2 GHz. The Commission's proposal to now subject the PCS infrastructure spectrum to the auction process would shut them out of the 37 GHz band and limit their capability to provide "personal wireless service facilities" in a timely fashion and at a reasonable cost to the American public.

VI. SHARING WITH GOVERNMENT SPACE RESEARCH IS OPPOSED; SHARING WITH ANY MOBILE SERVICE IS LIKEWISE OPPOSED

The NPRM (at para. 14) solicits comments on a NTIA request "that the 37-38 GHz band be allocated to space research (space-to-earth) for Government use on a co-primary basis." This proposed sharing is considered unrealistic and inconsistent with co-primary sharing with terrestrial

fixed operations. Due to the foreseen proliferation of broadband millimetric links and their increased use for back-haul, multimedia, wireless LANs, and multipoint distribution of broadband data, establishing antenna pointing instructions or EIRP limitations would be impractical.

Sharing with any mobile service operation is opposed. Noting the virtual impossibility of co-location of mobile and fixed service systems as well as the increased density of millimetric radio links coupled with their expected evolution toward point-to-multipoint structures, any mobile service sharing would be unrealistic and for that reason is strongly opposed.

VII. CONCLUSION

Noting the foregoing, Harris reiterates its support for the comments being filed by TIA. The Commission is urged to proceed to Rulemaking in this proceeding taking both the aforementioned TIA and above Harris comments into account.

Respectfully submitted,

HARRIS CORPORATION-FARINON
DIVISION

By: Leonard Robert Raish
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Its Attorney

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Dated: March 4, 1996
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