

ANN BAVENDER\*  
KAREN L. CASBER\*  
ANNE GOODWIN CRUMP\*  
VINCENT J. CURTIS, JR.  
RICHARD J. ESTEVEZ  
PAUL J. FELDMAN\*  
ERIC FISHMAN\*  
RICHARD HILDRETH  
FRANK R. JAZZO  
ANDREW S. KERSTING\*  
KATHRYN A. KLEIMAN  
EUGENE M. LAWSON, JR.  
HARRY C. MARTIN  
GEORGE PETRUTSAS  
LEONARD R. RAISH  
JAMES P. RILEY  
KATHLEEN VICTORY\*  
HOWARD M. WEISS

\* NOT ADMITTED IN VIRGINIA

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

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

FLETCHERHEALD@msn.com

FRANK U. FLETCHER  
(1939-1985)  
ROBERT L. HEALD  
(1966-1983)  
PAUL D. P. SPEARMAN  
(1966-1982)  
FRANK ROBERSON  
(1936-1981)  
RUSSELL ROWELL  
(1948-1977)

RETIRED  
EDWARD F. KENEHAN

CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYS  
U. S. AMBASSADOR (ret.)

OF COUNSEL  
EDWARD A. CAINE\*

WRITER'S NUMBER  
(703) 812-

June 21, 1996

**VIA HAND DELIVERY**

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

Re: RM No. 8811

Dear Mr. Caton:

On behalf of the Digital Microwave Corporation ("DMC"), we are filing an original and four (4) copies of its Opposition to Petition for Rulemaking 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  
Counsel for Digital Microwave  
Corporation

LRR:cej  
Enclosures

RECEIVED

JUN 21 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

No. of Copies rec'd 024  
List ABCDE

02T

**ORIGINAL**

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

**RECEIVED**

**JUN 21 1996**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
)  
Amendment of Parts 2.106 and 25.202 of )  
the Commission's Rules to Allocate the )  
37.5-38.6 GHz Band to the )  
Fixed-Satellite Service and to Establish )  
Technical Rules for the 37.5-38.6 GHz Band )

RM No. 8811

**OPPOSITION TO PETITION FOR RULEMAKING**

Pursuant to Section 1.405 of the Commission's rules, 47 C.F.R. § 1.405, The Digital Microwave Corporation ("DMC") hereby opposes grant of the Petition for Rulemaking ("Petition") in the above-captioned proceeding filed by Motorola Satellite Communications, Inc. ("Motorola"). Motorola's Petition appeared on Public Notice, Report No. 2132, released May 21, 1996.

**I. GENERAL**

A leading global supplier of short-haul, low-to medium-capacity digital microwave radios, Digital Microwave Corporation provides transmission solutions for communications networks serving cellular, personal communications, wireless local loop, private, and telco/PTT applications. The company's corporate headquarters is located in San Jose, California. As a supplier of microwave radio equipment in the U.S. telecommunications market, Digital Microwave Corporation is vitally interested in the Commission's fixed service regulations governing spectrum allocations.

**II. TIA COMMENTS SUPPORTED**

DMC contributed to the drafting of the Opposition to Motorola's Petition being filed separately by the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association ("TIA") in the above-cited matter. Accordingly, DMC concurs fully with TIA's Opposition, and urges the Commission to grant the relief sought therein by denying Motorola's Petition in the above-captioned proceeding.

Respectfully submitted

THE DIGITAL MICROWAVE CORPORATION

By: Leonard Robert Raish  
Leonard Robert Raish  
Eric Fishman

Its Attorneys  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street  
11th Floor  
Rosslyn, Virginia 22209  
(703) 812-0400

Date: June 21, 1996

cej/lrr/lrr#4/DMC3.PLEADING

**CERTIFICATE OF SERVICE**

I, Chellestine Johnson, hereby certify that a copy of the foregoing Opposition to Petition for Rulemaking was sent this 21st day of June, 1996, via first class United States mail, postage prepaid, to the following:

**Philip L. Malet, Esq.**  
**Alfred Mamlet, Esq.**  
**Pantelis Michalopoulos, Esq.**  
**Pamela S. Strauss, Esq.**  
**Stoptoe & Johnson LLP**  
**1330 Connecticut Avenue, N.W.**  
**Washington, D.C. 20036**

**Michael D. Kennedy**  
**Vice President and Director**  
**Regulatory Relations**  
**Barry Lambergman, Esq.**  
**Manager, Satellite Regulatory Affairs**  
**Motorola, Inc.**  
**1350 I Street, N.W.**  
**Suite 400**  
**Washington, D.C. 20005**

  
**Chellestine Johnson**