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**WALTER SONNENFELDT & ASSOCIATES**

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EX PARTE OR LATE FILED

August 15, 1996

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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

Re: Notice of Ex Parte Presentation  
 ET Docket No. 95-183  
 RM-8553

Dear Mr. Caton:

On August 14, 1996, representatives of BizTel, Inc. ("BizTel") attended a meeting with Thomas Tycz, Chief of the Satellite and Radio Communications Division of the International Bureau. Also representing the Commission at the meeting was Karl Kensinger, Chief of Satellite Engineering in the Satellite and Radio Communication Division. The topic of the meeting was questions at issue in the above-referenced rulemaking relating to Fixed Service and Fixed-Satellite Service spectrum requirements in the 37.5 - 40.0 GHz band. BizTel was represented by its president Don Franco, its chairman and CEO Mark Foster, and its undersigned counsel.

In accordance with Section 1.1206(a)(1) of the Commission's Rules, attached hereto are copies of presentation slides used in BizTel's presentation. Pursuant to Section 1.1206(a)(2) of the Commission's Rules, one copy of this letter is being submitted herewith. A copy of this letter is also being simultaneously delivered to the above-mentioned Commission representatives.

Walter Sonnenfeldt  
 August 15, 1996

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Mr. William F. Caton  
August 15, 1996  
Page 2

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Kindly direct any inquiries relating to this submission to the undersigned.

Very truly yours,



Walter H. Sonnenfeldt  
Counsel to BizTel, Inc.

cc: Thomas Tycz, IB  
Karl Kensinger, IB

***BizTel, Inc.***

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**ISSUES AFFECTING UTILIZATION  
OF THE  
37 GHZ & 39 GHZ BANDS**

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**August 14, 1996**

## **CO-FREQUENCY FS/FSS SHARING IS NOT FEASIBLE**

- No evidence on record demonstrates feasibility
- Ubiquitous blanket-authorized deployments in both services
- Temporary international FSS PFD Limits are inadequate
- FS will interfere into FSS earth station receivers
- FS/FSS co-frequency sharing would require drastic unjustifiable restrictions

***BizTel, Inc.***

# **FSS REQUIREMENTS MUST BE ADDRESSED BEFORE AUCTIONS**

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- Consolidate Motorola Petition for Rulemaking
- Develop a complete record on sharing issues
- Protect substantial incumbent investment
- Remove spectrum valuation uncertainty

***BizTel, Inc.***

## **SOLUTION:**

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- **Do not license FSS in the 39 GHz band**
  - **Removes FS uncertainty**
  - **No measurable impact on FSS**
  
- **If a requirement is demonstrated, license FSS in a portion of the 37 GHz band**
  - **No incumbent FS operations**
  - **Allows substantial FSS capacity**
  - **Comports with international FSS allocation**
  - **Avoids 28 GHz-type turmoil**

***BizTel, Inc.***