

ET 95-183

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UNITED STATES DEPARTMENT OF COMMERCE  
National Telecommunications and  
Information Administration  
INTERDEPARTMENT RADIO ADVISORY COMMITTEE  
Washington, D.C. 20230

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May 21, 1997

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Federal Communications Commission  
Office of Secretary

Mr. Fred Thomas  
Office of Engineering and Technology  
FCC Liaison Representative, IRAC  
2000 M. Street, N.W., Suite 230  
Washington, DC 20554

Dear Mr. Thomas:

The IRAC has completed its review of the draft Report and Order & Second NPRM, <sup>ET</sup> ~~IRAC~~ Docket No. 95-183, ("39 GHz") and furnishes the following comments as the views of the Executive Branch agencies that are members of the IRAC.

The IRAC noted that the FCC, in the Report and Order, has proposed to amend the rules for the fixed service in the 38.6-40.0 GHz bands to allow area-wide licensing, obtained by the competitive bidding process. Further, in the Second NPRM, the FCC has invited comments on partitioning and disaggregation of the spectrum/space, and on the "terreflex" concept where the licensee could provide a wide range of radio services. While the 38.6-39.5 GHz band is exclusive non-Government, co-equally shared spectrum in the 39.5-40.0 GHz band is proposed by the FCC for wide-area licensing obtained by competitive bidding.

The current coordination between the FCC and the Federal agencies within the IRAC's Frequency Assignment Subcommittee for assignment of individual frequencies has worked well in the past. However, FCC licenses issued on the basis of area-wide licenses and won by competitive bidding will by-pass this process. Further, licensees will build out radiocommunications systems that may operate in various radio services, without notification of frequencies used or transmitter locations. Neither the FCC nor NTIA will have a data base of spectrum management information on these systems. Further, the process of competitive bidding will raise the expectations regarding exclusive access associated with these licenses. Under these conditions, future Government access to spectrum to support national missions may be jeopardized.

The United States has future military requirements for satellite services in the 39.5-40.5 GHz band in accordance with the NATO Joint Frequency Agreement (NJFA). Sharing between the future Government fixed- and mobile-satellite operations and non-Government terreflex operations in the 39.5-40.0 GHz band will be necessary in the future, probably after the commercial presence has been established in the band. In this regard, the FCC proposal (paragraph 179) that "Government satellite systems should be designed to operate in a way that avoids causing interference to non-Government terrestrial users." is not a balanced view, noting that the 39.5-

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40.0 GHz and the 40.0-40.5 GHz bands are allocated on a co-equal basis to Government and non-Government users.

The NJFA identifies existing, planned, and future military spectrum requirements by the NATO nations. Agreement to implement these requirements, to the maximum extent possible, in national frequency allocation tables has been coordinated among the military and civilian frequency management authorities of the NATO nations. These requirements include spectrum requirements harmonized in NATO Europe and includes ITU Region 2 (United States and Canada) as follows: in the 36-37 GHz band for fixed and mobile systems; in the 37-39.5 GHz band for existing and future fixed systems; in the 39.5-40.5 GHz band for future fixed- and mobile-satellite downlinks (paired with 50.4- 51.4 GHz); in the 43.5-45.5 GHz band for essential satellite uplinks and for mobile systems; and in the 50.4-51.4 GHz band for future satellite uplinks.

In light of this future requirement, it is important that the 39.5-40.5 GHz band be available in the future to satisfy both fixed- and mobile-satellite service requirements in support of military operations. The FCC should not proceed with any rule making that would preclude the United States from satisfying treaty obligations in the 39.5-40.5 GHz band.

Further, NASA, in conjunction with the Space Frequency Coordination Group (SFCG), has identified the need for an additional 500 MHz of primary space science allocations near 40 GHz to enable Earth-to-space links for wideband data requirements to complement space-to-Earth links in the 37.5-38.0 GHz band. The SFCG has identified the 39.5-40.0 GHz and 42.5-43.5 GHz bands as suitable bands for accommodating this requirement. The existing uplink band (40.0-40.5 GHz) is paired with the lower half (37.0-37.5 GHz) of the international 37-38 GHz primary space research service (space-to-Earth) allocation. In comments to a separate FCC rule making, NTIA has requested the FCC to implement for Federal Government use the WARC-92 space science allocations in the 37-38 GHz and 40.0-40.5 GHz bands. NTIA intends to implement these results by allocating the 37-38 GHz band and the 40.0-40.5 GHz band for space research and Earth exploration-satellite radio services corresponding to the international frequency table. In any rule making affecting these bands, the FCC should remain aware of the NASA and international requirements for additional space research uplink allocations in either the 39.5-40.0 GHz or the 42.5-43.5 GHz bands.

The IRAC looks forward to working with the FCC on these spectrum issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Norbert Schroeder", with a long horizontal flourish extending to the right.

Norbert Schroeder  
Acting Chairman