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September 24, 1997

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

ORIGINAL

Re: RM-9005

Dear Mr. Caton:

I am writing on behalf of OpTel, Inc. ("OpTel") in response to the Commissions' request for comment in the above-referenced matter.

In the public notice soliciting comments, the Commission indicated that Teledesic Corporation ("Teledesic") has asked the Commission to institute blanket licensing procedures for FSS operations throughout the 17.7-20.2 GHz band.¹ Pursuant to an authorization issued March 14, 1997, Teledesic is proposing to use the 17.8-18.6 GHz portion of this band for service downlinks.² NGSO FSS services are designated as secondary in this band to GSO FSS and terrestrial fixed services. Teledesic was, therefore, authorized to use this band only on a secondary basis.³

OpTel, through its subsidiaries, affiliates, and through various contractual arrangements, makes use of 18 GHz (18.142-18.580) fixed microwave stations throughout the United States. These networks transmit a variety of video and telecommunications services to approximately 200,000 customers nationwide.

At this time, OpTel has not had an opportunity to fully analyze the impact of Teledesic's request for blanket licensing in the 17.7-20.2 band. However, even a preliminary analysis suggests that the use of these bands for NGSO satellite downlink services may cause significant harmful interference to terrestrial

¹ See Public Notice, IN Report No. 97-27 (rel. Sept. 5, 1997).

² In re Teledesic, Order and Authorization File Nos. 22-DSS-P/LA-94, 43-SAT-Amend-95, 127-SAT-Amend-95 (rel Mar. 14, 1997).

³ Id. ¶ 19.

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microwave services. Such interference would put at risk the continued growth of competitive video and telecommunications services and undermine efforts to break the local monopolies held by franchised cable operators and incumbent local exchange carriers.

On this basis, OpTel opposes Teledesic's proposal. The burden is upon Teledesic to demonstrate that it can provide downlink service on a secondary basis without causing harmful interference to terrestrial systems. It should be required to make that showing on a case-by-case basis. Blanket licensing would effectively shift the burden from Teledesic to those who would complain of harmful interference. Such a result would be inconsistent with the frequency allocation and the Commission's rules and policies on frequency sharing.

Sincerely

A handwritten signature in black ink, appearing to read "W. Kenneth Ferree". The signature is fluid and cursive, with a prominent initial "W" and a long, sweeping tail.

W. Kenneth Ferree
Attorney for OpTel, Inc.