

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

TELEFAX: (202) 662-6291

DOCKET FILE COPY ORIGINAL

LECONFIELD HOUSE

CURZON STREET

LONDON W1Y 8AS

ENGLAND

TELEPHONE: 44-171-495-5655

TELEFAX: 44-171-495-3101

BRUSSELS CORRESPONDENT OFFICE

44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE: 32-2-549-5230

TELEFAX: 32-2-502-1598

JENNIFER A. JOHNSON

DIRECT DIAL NUMBER

(202) 662-5552

DIRECT TELEFAX NUMBER

(202) 778-5552

JJOHNSON@COV.COM

EX PARTE OR LATE FILED

October 6, 1997

RECEIVED

OCT - 6 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

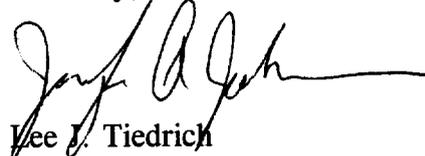
William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: **Ex Parte Presentation**
ET Docket No. 95-183, RM-8553, PP Docket No. 93-253

Dear Mr. Caton:

The attached letter was hand-delivered today to Suzanne Toller, Special Advisor to Commissioner Chong. In accordance with Rule 1.1206(b), the original and six copies (two for each Docket or Rulemaking number) of these materials have been submitted this 6th day of October to the Office of the Secretary. Questions regarding this matter should be directed to the undersigned.

Sincerely,



Lee J. Tiedrich
Jennifer A. Johnson

Counsel for WAVTrace

Attachments

cc: Suzanne Toller, Esq.

No. of Copies rec'd
List ABCDE

004

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

TELEFAX (202) 662-6291

LECONFIELD HOUSE

CURZON STREET

LONDON W1Y 8AS

ENGLAND

TELEPHONE: 44-171-495-5656

TELEFAX: 44-171-495-3101

BRUSSELS CORRESPONDENT OFFICE

44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE: 32-2-549-5230

TELEFAX: 32-2-502-1598

JENNIFER A. JOHNSON

DIRECT DIAL NUMBER

(202) 662-5552

DIRECT TELEFAX NUMBER

(202) 778-5552

JJOHNSON@COV.COM

October 6, 1997

Suzanne Toller, Esq.
Legal Advisor to Commissioner Chong
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: ET Docket No. 95-183, RM-8553, PP Docket No. 93-253

Dear Ms. Toller:

This letter follows up on our meeting regarding the proposed service rules for the 38.6-40.0 GHz ("39 GHz") frequency band set forth in the Notice of Proposed Rule Making, ET Docket No. 95-183, RM-8553, PP Docket No. 93-253 (the "Notice"). Specifically, you asked to what extent the proposed Category A antenna requirement and the authorization of point-to-multipoint service in the 39 GHz band was addressed in the Notice and in the comments and reply comments filed in response to the Notice. We have reviewed the relevant documents, and found the following:^{1/}

- The Notice discusses and requests comment on the Category A antenna requirement at paragraphs 113-116 and 119.
- The Notice seeks comment on whether more flexible use of the 39 GHz band, including point-to-multipoint use, should be permitted at paragraph 110.
- Our review revealed that twelve of the thirty-three comments filed in response to the Notice and three of the seventeen reply comments referenced or directly addressed use of the band for point-to-multipoint services.
- For example, the comments filed by GHz Equipment Co., Inc., Columbia Millimeter Communications, L.P., Milliwave Limited Partnership, Altron Communications, Spectrum Communications, LC, Winstar

^{1/} To our knowledge this reflects all of the comments and reply comments in this proceeding. We did not review the *ex parte* filings.

Suzanne Toller, Esq.
October 6, 1997
Page 2

Communications, Inc. and Advanced Radio Telecom Corp. and the reply comments filed by Commco, L.L.C. and US West were supportive of point-to-multipoint use of the spectrum.

- The comments of Alcatel Network Systems and Telecommunications Industry Association supported point-to-multipoint use of the band at a later time.
- Only one entity, Telco Group, Inc., filed comments (or reply comments) directly opposing the use of the 39 GHz band for point-to-multipoint operations.
- Our review revealed that eight of the thirty-three comments discussed the Category A antenna requirement.
 - Six entities (Columbia Millimeter Communications, L.P., Microwave Partners d/b/a Astrolink Communications, Biztel Inc., Innova Corp., Winstar Communications, Inc. and Advanced Radio Telecom Corp.) opposed the Category A antenna requirement.
 - DCT Communications Inc. supported the Category A antenna requirement.
 - The Telecommunications Industry Association supported the Commission's proposal to permit use of Category B antennas, subject to a mandatory upgrade to Category A if interference results.

We hope that this information adequately responds to your inquiry. If you require additional information, please contact us at the number provided above and we will be glad to provide it.

Sincerely,



Lee J. Tiedrich
Jennifer A. Johnson