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October 15, 1998

**HAND DELIVERED**

Magalie R. Salas, Esquire  
Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, D.C. 20554

Re: CC Docket No. 97-95

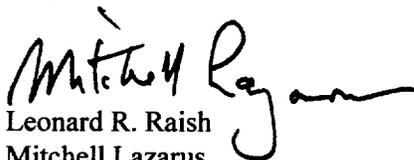
Dear Ms. Salas:

Enclosed are the original and four copies of the Comments of Fixed Point-to-Point Communications Section, Wireless Communications Division of the Telecommunications Industry Association for filing in the above-referenced docket.

Kindly date-stamp and return the extra copy of this cover letter.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,



Leonard R. Raish  
Mitchell Lazarus

Counsel for  
Fixed Point-to-Point Communications Section  
Wireless Communications Division of the  
Telecommunications Industry Association

ML:deb

Enclosures

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Before the  
Federal Communications Commission  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Designation of Spectrum for Fixed- )  
Satellite Services in the 37.5-38.5 GHz, )  
40.5-41.5 GHz, and 48.2-50.2 GHz )  
Frequency Bands; Allocation of Spectrum )  
to Upgrade Fixed and Mobile Allocations )  
in the 40.5-42.5 GHz Frequency Band, )  
Allocation of Spectrum in the 46.9-47.0 GHz )  
Frequency Band for Wireless Services; and )  
Allocation of Spectrum in the 37.0-38.0 GHz )  
and 40.0-40.5 GHz for Government )  
Operations )

IB Docket No. 97-95

**COMMENTS OF  
FIXED POINT-TO-POINT COMMUNICATIONS SECTION,  
WIRELESS COMMUNICATIONS DIVISION OF THE  
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Fixed Point-to-Point Communications Section, Wireless Communications Division,  
of the Telecommunications Industry Association (the "Fixed Section")<sup>1</sup> hereby comments on the

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<sup>1</sup> The Telecommunications Industry Association ("TIA") is the principal industry association representing telecommunications equipment manufacturers, including manufacturers of terrestrial fixed point-to-point microwave radio service ("FS") equipment. Fixed Section members serve, among others, companies, including telephone carriers, utilities, railroads, state and local governments, and cellular carriers, licensed by the Commission to use private and common carrier bands for provision of important and essential telecommunications services. This comment reflects only the views of the Fixed Point-to-Point Section. It does not necessarily reflect the views of other divisions or committees of TIA.

Commission's Public Notice of October 1, 1998, which references a letter from the National Telecommunications and Information Administration (NTIA) dated September 24, 1998.<sup>2</sup>

NTIA proposes that the Commission bifurcate Federal and non-Federal spectrum above 40 GHz, so that no sharing is needed between Federal and non-Federal users. In particular, NTIA proposes reallocating 42.5-43.5 exclusively for government use, and 47.2-48.2 GHz exclusively for non-government use.<sup>3</sup>

### **DISCUSSION**

The Fixed Section supports NTIA's proposal to separate Federal from non-Federal spectrum, and to reserve 47.2-48.2 GHz exclusively for commercial use.

The fixed services are an unsung but vital part of the nations' economic infrastructure. They provide communications essential to the energy, transportation, and telecommunications industries, among others, and play a key role in public safety and other governmental operations. An important, emerging application for fixed service radio links is infrastructure and backhaul in the increasingly competitive commercial wireless mobile and local access markets.

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<sup>2</sup> Comments Sought on NTIA Position on Proposed Rules to Permit Use of Frequencies Above 40 GHz for new Radio Applications, Report No. IN 98-53 (released Oct. 1, 1998), *citing* Letter from William T. Hatch, Acting Associate Administrator for Spectrum Management, NTIA to Dale Hatfield, Chief, Office of Engineering and Technology, FCC (dated Sept. 24, 1998).

<sup>3</sup> Nevertheless, NTIA puts some caveats on non-government use of the 47 GHz band. It cautions that Federal agencies may wish to acquire stations in the 47.2-48.2 GHz band on the same basis as non-government users. It also notes that airport systems under development at 94 GHz may put restrictions on operations at 46-47.5 GHz, particularly for high altitude platforms, due to potential second harmonic interference. In addition, NTIA seeks out-of-band emission limits to protect radioastronomy operations at 48.94-49.04 GHz.

The demand for fixed microwave services continues to expand, but the available spectrum has been severely depleted in favor of the mobile wireless and satellite industries. Over the years, the terrestrial fixed services have maximized efficiency of spectrum usage through the use of improved antennas and improvements in bits/Hertz efficiency of radio equipment. Nevertheless, despite operation at the highest practicable measures of spectrum efficiency, the fixed services are approaching frequency gridlock in the nation's urban areas. The Fixed Section thus endorses any Commission action that will make uncongested spectrum available to meet the growing needs of the fixed services.

While it welcomes the allocation of a Gigahertz at 47 GHz, the Fixed Section also asks the Commission to probe more deeply into NTIA's quantitative claims of spectrum need. NTIA states only that "[t]here is a general requirement of about one gigahertz of spectrum in the 40 GHz range to satisfy the spectrum requirements for additional Federal systems."<sup>4</sup> In the past, the Federal government has sometimes tended to warehouse large blocks of spectrum it did not actually need. In at least one instance, it took an Act of Congress to turn back unused frequencies for commercial development.<sup>5</sup> The Commission would serve the public interest by working with NTIA to limit the governmental allocation to the amount of spectrum that the government realistically expects to use, in order to maximize the spectrum available for badly needed non-government applications.

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<sup>4</sup> NTIA also refers elsewhere to radioastronomy operations in the band.

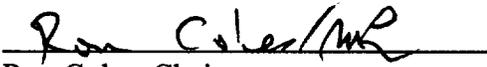
<sup>5</sup> National Telecommunications and Information Administration Organization Act of 1992, Part B — Transfer of Auctionable Frequencies, *codified at* 47 U.S.C. §§ 921-27.

**CONCLUSION**

The Fixed Section supports NTIA's proposal for non-shared allocations between government and non-government users, including a non-government allocation at 47.2-48.2 GHz. The Fixed Section also asks the Commission to limit the governmental allocation to reasonably anticipated requirements.

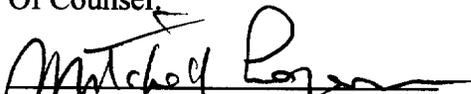
Respectfully submitted,

FIXED POINT-TO-POINT COMMUNICATIONS  
SECTION WIRELESS COMMUNICATIONS  
DIVISION OF THE TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION

  
\_\_\_\_\_  
Ron Coles, Chairman  
Fixed Point-to-Point Communications  
Section Wireless Communications Division of  
the Telecommunications Industry Association

  
\_\_\_\_\_  
Eric Schimmel, Vice President  
Telecommunications Industry Association

Of Counsel:

  
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October 16, 1998

Certificate of Service

I, Mitchell Lazarus, an attorney with the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 16th day of October, 1998, I caused copies of the foregoing "Comments of Fixed Point-to-Point Communications Section, Wireless Communications Division of the Telecommunications Industry Association" was delivered by hand to the following:

Mr. William Kennard  
Chairman  
Federal Communications Commission  
1919 M Street, Room 814  
Washington, DC 20554

Mr. Harold W. Furchgott-Roth  
Commissioner  
Federal Communications Commission  
1919 M Street, Room 814  
Washington, DC 20554

Mr. Michael Powell  
Commissioner  
Federal Communications Commission  
1919 M Street, Room 814  
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Ms. Susan Ness  
Commissioner  
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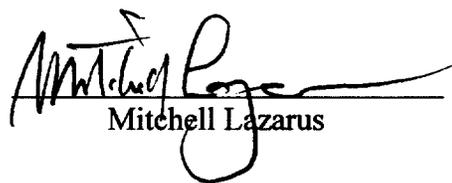
Ms. Gloria Tristani  
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