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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TELECOMMUNICATIONS
TIA
INDUSTRY ASSOCIATION

HAND DELIVERED

November 9, 1998

Magalie Salas
Secretary
Federal Communications Commission
1919 M Street NW – Room 222
Washington, DC 20554

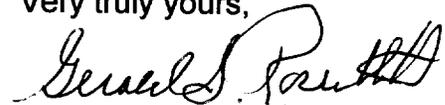
RE: Redesignation of the 17.7-19.7 GHz
Frequency Band, Blanket Licensing....
IB Docket No. 98-172
RM-9005 & RM-9818

Dear Ms. Salas:

This filing, describing the Opposition to the Petition for Interim Relief, is on behalf of the Spectrum and Orbit Utilization Section, Satellite Communications Division of the Telecommunications Industry Association and in response to the Petition for Interim Relief, as submitted by the Fixed Point-to-Point Section of the Telecommunications Industry Association. Included in this filing are nine (9) copies, plus an original.

Should you require any further information, please do not hesitate to contact us.

Very truly yours,



Gerald S. Rosenblatt

Enclosures

cc: FCC Commissioners
International Bureau
WTB
WTB
International Bureau

Regina M. Keeney, Chief
Daniel Phythyon Chief
Tom Stanley Chief, Engineer No. of Copies rec'd
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Redesignation of the 17.7-19.7 GHz Frequency)	
Band, Blanket Licensing of Satellite)	IB Docket No. 98-172
Earth Stations in the 17.7-20.2 GHz and)	RM-9005
27.5-30.0 GHz Frequency Bands,)	RM-9818
and the Allocation of Additional Spectrum)	
in the 17.3-17.8 GHz and 24.75-25.25 GHz)	
Frequency Bands for Broadcast)	
Satellite-Service Use)	

To: The Commission

OPPOSITION TO THE PETITION FOR INTERIM RELIEF

The Spectrum and Orbit Utilization Section, ("SOUS") of the Satellite Communications Division of the Telecommunications Industry Association (TIA)¹ hereby opposes the TIA "Fixed Section's" petition to the Commission for interim relief in the above-captioned proceeding. Specifically, the SOUS requests the Commission to affirm its announcement in Paragraph 40 of its Notice of Proposed Rulemaking in the proceeding ("Notice") that certain terrestrial fixed systems for which applications are filed after the release of the Notice (September 18, 1998) for frequencies on certain of the 18 GHz bands would be given "secondary" status.

The Fixed Section's claim that paragraph 40 of the NPRM has had an immediate and significantly negative effect on the terrestrial fixed community is without merit

¹ TIA is a full-service national organization with membership of over 900 large and small companies which provide communications and information technology products, materials, systems, distribution services and professional services in the United States and countries around the world. TIA represents the telecommunication industry in association with the Electronic Industries Alliance. On occasion, TIA files in its own name, representing the entire association. Sometimes a product-oriented division or section of such division will file in a proceeding representing the views of only the members of that division or section. This filing is from the Spectrum and Orbit Utilization Section of the Satellite Communications Division of TIA and is in response to the filing of the TIA Wireless Communications Division, Fixed Point-to-Point Section ("Fixed Section") members.

because there is alternative viable spectrum available to Fixed Services in the 18 GHz band which remains unchanged regarding its Primary Status proposed by the Notice. The SOUS is sympathetic to the fact that the Fixed Service Community will have to incorporate a narrow-band channel plan within the existing wider band channel plan, but such a channel plan is with precedent (as in the 6 GHz and 11 GHz bands) and enjoys wide spread use in other frequency bands occupied by Fixed Service Licensees.

The Commission was correct to propose limiting future Fixed Service expansion of certain portions of the 18 GHz band. Continued growth and expansion of use by the Fixed Service within those portions of the band which are proposed to become Secondary Status would only exacerbate the difficulties in developing an effective inter-service spectrum sharing plan and/or relocation considerations. Therefore, from an overall telecommunications industry perspective, it would be unfair to accord Primary Status to any Fixed Service station filed after September 18, 1998 because, as stated above, there is alternative viable spectrum available.

The statement in Para. 40 does not constitute a "freeze"

For the reasons given above regarding alternative 18 GHz spectrum being available to Fixed Services, the SOUS argues that the effect of Paragraph 40 of the Notice does not constitute a freeze.

CONCLUSION

For the foregoing reasons, the SOUS respectfully urges the Commission to deny the petition of the Fixed Section.

Respectfully submitted,



Dan Bart, Vice President
Standards and Technology
Telecommunications Industry Association

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William Lye, Chairman
Spectrum and Orbit Utilization Section

November 9, 1998