

EX PARTE OR LATE FILED

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED  
DEC 22 1998  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Redesignation of the 17.7-19.7 GHz Frequency )  
Band, Blanket Licensing of Satellite )  
Earth Stations in the 17.7-20.2 GHz and )  
27.5-30.0 GHz Frequency Bands, )  
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 )

IB Docket No. 98-172  
RM-9005  
RM-9118

~~Cable Services Bureau  
DEC 23 1998  
Received~~

**MOTION OF AMERITECH TO ACCEPT  
LATE-FILED PLEADING**

Ameritech respectfully files this Motion to accept the attached late-filed pleading in the above-captioned matter. Despite the best efforts and diligence of all Ameritech personnel associated with the drafting, preparation and handling of Ameritech's Reply Comments in this proceeding, the local courier service engaged to deliver this pleading arrived at the Clerk's office after it had closed for the day's business.

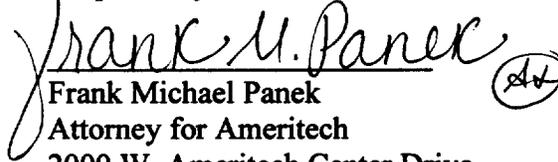
Copies of the pleading have already been duly served on all parties to the proceeding, as attested to by the attached Affidavit of Service required by the Commission's rules.<sup>1</sup> Ameritech's Reply Comments are limited to two specific issues in the matter at hand, and no further pleadings in this matter have been authorized or requested by the Commission. Thus, no party may rightfully claim that its rights or interests have been prejudiced by the filing of these Reply Comments on the day after the date set by the Commission for their filing.

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For these reasons, Ameritech requests that its Reply Comments be accorded full consideration as if timely filed with the Commission.

Respectfully submitted,

A handwritten signature in cursive script that reads "Frank M. Panek". The signature is written in black ink and is positioned above the typed name. To the right of the signature, there is a small circular stamp containing the initials "AV".

Frank Michael Panek  
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Dated: December 22, 1998

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<sup>1</sup> 47 CFR § 1.47(d).

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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	)	

**REPLY COMMENTS  
OF  
AMERITECH**

Ameritech files these Reply Comments in the above-captioned matter,<sup>1</sup> concurring in the arguments of those parties<sup>2</sup> who support the Commission's proposal to grandfather existing fixed system operators as primary users of the 17.7 - 19.7 GHz band (NPRM, para. 40). In addition, current users of the band for fixed wireless service applications should be given the option of relocating their existing operations to other frequency at the expense of fixed satellite service ("FSS") operators who would displace them from their existing assignments.

Ameritech currently owns and operates a dozen systems as point-to-point transport facilities connecting central office locations to customer premises, typically at a

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<sup>1</sup> In the Matter of Redesignation of the 17.7-19.7 GHz Frequency Band, IB Docket No. 98-172, Notice of Proposed Rulemaking, rel. September 18, 1998 (hereinafter "NPRM").

<sup>2</sup> See, e.g., Comments of Fixed Wireless Communications Coalition (at 5); Comments of WinStar (at 2, 11).

DS-1 or DS-3 rate. Five of these systems are in permanent or semi-permanent configurations, while seven are used on a temporary basis for service restoral or the provision of emergency service. Only four of these systems are of designs that are capable of being retuned for use at other frequencies. In addition, planning is now underway for the use of these systems in various digital loop carrier applications. Thus, absent grandfathering of these systems in the band at issue, Ameritech would be forced to make significant investments in other new facilities to continue serving the majority of these customers -- for the sole benefit of FSS operators who seek to deploy new service offerings.<sup>3</sup> Indeed, as SBC notes, without the use of these fixed radio links, there may be no other practical means to provide any service whatsoever to certain remote areas.<sup>4</sup>

As some parties noted,<sup>5</sup> some fixed service operators may be forced by insurmountable technical hurdles to move their existing facilities to new frequencies instead of operating on a co-primary basis in grandfathered status. Where a fixed service operator believes this to be the case, the resultant costs should be borne by the FSS

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<sup>3</sup> Despite Teledesic's argument (at 18) that "(e)veryone will benefit from reduced coordination costs and higher deployment densities", it is clear that only incumbent fixed service operators will incur these relocation costs.

<sup>4</sup> Comments of SBC (at 2-3).

<sup>5</sup> Comments of Skybridge (at 6); Comments of SBC (at 4-5); Comments of CTIA (at 4); Comments of BellSouth (at 9-10); Comments of Airtouch (at 10-11); Comments of LORAL (at 6).

operator for whose benefit the fixed service is relocated.<sup>6</sup> The unacceptable alternative would be for a fixed service operator to wait for interference problems to occur before acting to protect the telecommunications service of its customers.

Respectfully submitted,

A handwritten signature in cursive that reads "Frank M. Panek" followed by a circled "A".

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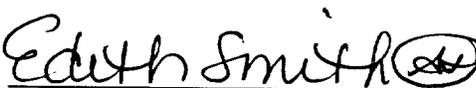
Dated: December 21, 1998

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<sup>6</sup> Comments of CTIA (at 3); Comments of ABC (at 2); Comments of WinStar (at 11, 13); Comments of API (at 13-14).

CERTIFICATE OF SERVICE

I, Edith Smith, do hereby certify that a copy of Ameritech's Reply Comments has been served on the parties listed on the attached service list, via first class mail, postage prepaid, on this 21st day of December 21, 1998.

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Edith Smith

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