

**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 Earth Stations) IB Docket No. 98-172
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)

To: The Commission

***EX PARTE* REPLY COMMENTS OF
THE COUNTY OF LOS ANGELES**

The County of Los Angeles, California (the “County”) hereby submits the following written *ex parte* reply to comments filed in response to the Commission’s Notice of Proposed Rulemaking (“NPRM”), FCC 98-235, released September 18, 1998, in the above-captioned proceeding regarding segmentation, sharing, and reallocation of portions of the 18 GHz frequency band.¹

The County supports the comments filed by the Association of Public-Safety Communications Officials-International, Inc. (“APCO”), the Fixed Wireless Communication Coalition (“FWCC”), the State of California, the Association of American Railroads (“AAR”) and other fixed wireless users, which demonstrate the need for the Commission to protect the interests of existing fixed services licensees, to ensure the availability of adequate spectrum in the future, and to refrain from forcing relocation of incumbents without full compensation. In addition, the County takes this opportunity to endorse the reply comments of APCO, which

¹ These comments are filed as an *ex parte* submission as the date for filing reply comments has passed.

strongly oppose the proposals and conclusions set forth in the comments of Teledesic, Inc. (“Teledesic”)

As noted in its initial comments, the County is concerned that sharing portions of the 18 GHz frequency band with new satellite services will create harmful interference to the County’s microwave facilities carrying critical public safety communications. The County is the licensee of extensive networks of private operational fixed microwave facilities that link public safety agencies, including the Sheriff’s Department, Fire Department, and Emergency Medical Services Agency. Due to the fact that the County spans over 4,000 miles of extremely varied terrain, microwave is the only acceptable method for linking many of the critical facilities throughout its jurisdiction.

The County strongly opposes the relocation of public safety incumbents from the 18 GHz band. Fixed services are currently co-primary in the frequency bands from 17.7-19.7 GHz, but the Commission’s proposal would downgrade fixed services in the 18.3-18.55 GHz and 18.8-19.3 GHz bands to secondary. While the Commission proposes to “grandfather” existing fixed service licenses in the 18.3-18.55 GHz and 18.8-19.3 GHz bands, it simultaneously seeks comments regarding the possible need to reallocate incumbents, thereby acknowledging the potential for serious interference to incumbents.

Experience has shown, however, that the relocation process can be both extremely time consuming and disruptive to the County’s communications systems and operations.

The County and other public safety agencies around the nation have all too often been forced to relinquish valuable microwave radio spectrum for the benefit of commercial services. Whether for DBS or PCS, public safety agencies have been forced into the difficult, time consuming, and costly process of moving vital communications facilities.

Now, the Commission is once again entertaining a private sector proposal that would take away public safety microwave spectrum, without any assurances that replacement facilities would be available. Furthermore, if Teledesic's proposal were adopted, public safety and other incumbents would be denied fair compensation for the relocation.

Should the Commission nevertheless decide to require relocation, the Commission must mitigate the burden on incumbents by adopting relocation rules consistent with those set forth in ET Docket 92-9, and which apply now to the 2 GHz bands. The basic principle of the Commission's relocation rules is to ensure that incumbents that are forced to relocate are reimbursed for all costs and expenses that would not have been incurred were it not for the need to relocate at the behest of a new user. These include the cost of new equipment, reasonable transactional costs, and all expenses incurred in the engineering and installation.

Teledesic, in its initial comments, takes the opposite position and proposes several radical departures from the Commission's policies adopted in ET Docket 92-9. For example, Teledesic proposes to limit reimbursement of relocation expenses to "the unamortised" cost of the replaced equipment and 2% of the "hard costs" to help pay for engineering and installation. That would be far less than the "replacement cost" of new equipment, and ignores the substantial labor and engineering expenses that often occur with installing new microwave radio systems. The taxpayers of Los Angeles County should not be forced to absorb this additional cost merely to promote the commercial goals of Teledesic.

Even more objectionable is Teledesic's suggestion that all fixed service incumbents become secondary beginning in just five years, forcing them either to move or to accept harmful interference in January 2004. Virtually all relocation costs would be shifted to incumbents (and taxpayers) under that approach. Moreover, there would be no assurance

that replacement frequencies will even be available. The hallmark of the Commission's rules is that no licensee (especially a public safety licensee) should be forced off of existing frequencies unless comparable replacements are available.

The Commission must reject the misguided proposals set forth by Teledesic. If there is to be mandatory relocation of incumbents, it must be pursuant to fair relocation rules similar to those adopted in ET Docket 92-9.

CONCLUSION

For the reasons discussed above and in its initial Comments, the County opposes any Commission action that reduces spectrum availability for public safety fixed microwave operations, endangers the long-term viability of existing systems, or forces relocation of public safety incumbents without full compensation for all direct or indirect costs.

Respectfully submitted,

COUNTY OF LOS ANGELES

By:

Robert M. Gurss
WILKES, ARTIS, HEDRICK, & LANE,
Chartered
1666 K Street, N.W. #1100
Washington, D.C. 20006
(202) 457-7329

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