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ANN BAVENDER*
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RAYMOND J. QUIANZON
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JAMES P. RILEY
ALISON J. SHAPIRO
KATHLEEN VICTORY
JENNIFER DINE WAGNER*
HOWARD M. WEISS
ZHAO XIAOHUA*

* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

www.fhh-telcomlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS

CONSULTANT FOR INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*
MITCHELL LAZARUS
EDWARD S. O'NEILL*

WRITER'S DIRECT

(703) 812-0480
raish@fhh-telcomlaw.com

RECEIVED

APR - 5 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 5, 2000

VIA HAND DELIVERY
Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: Ex Parte Statement in
IB Docket No. 98-172

Dear Ms. Salas:

On April 3, 2000, representatives of the Fixed Wireless Communications Coalition (FWCC) met with Adam Krinsky, Legal Assistant to Commissioner Tristani to discuss issues raised by the subject Docket. The attached point paper was distributed at the meeting.

Respectfully submitted,

FIXED WIRELESS COMMUNICATIONS COALITION

By: Leonard Robert Raish
Leonard Robert Raish
Co-Chairman

Attachment - Fixed Wireless Communications Coalition Point Paper on 18 GHz issue

Copy To:

Ari Fitzgerald (Office of Chairman Kennard)
Mark Schneider (Office of Commissioner Ness)
Peter Tenhula (Office of Commissioner Powell)
Adam Krinsky (Office of Commissioner Tristani)
Bryan Tramont (Office of Commissioner Furchtgott-Roth)
Peter Pappas (Associate Chief, International Bureau)
Richard Engelman (International Bureau-Planning and Negotiations Division)
Julius Knapp (Chief, Policy & Rules Div., Office of Engineering & Technology)
Ron Netro (Wireless Telecommunications Bureau)

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FIXED WIRELESS COMMUNICATIONS COALITION
Point Paper on 18 GHz Issue

1. The 18 GHz band is very heavily used in by the FS in the major US metropolitan areas. There are over 4000 digital duplex FS links currently in operation in this band. It is particularly noteworthy that this spectrum is used by wireless competitive local exchange carrier (CLEC) providers to connect hubs and to reach distant customers, providing advanced broadband services such as high speed data and Internet, as well as competitive telephony. The band also is home to private cable operators (PCOs) and common carriers providing back haul services for cellular and PCS.

2. ALL relocation of fixed service (FS) incumbents should follow exactly the "comparable facilities" model adopted by the FCC in the Emerging Technologies (ET Docket No. 92-9) and Cost Sharing (WT Docket No. 95-157) proceedings. Commission precedent and the principle of fair treatment for incumbents requires that nothing less than full replacement cost, based on a "comparable facilities" standard, should be the basis for compensation.

3. Licensed FS incumbents must be provided comparable spectrum. However, no relocation or future growth spectrum has yet been identified. The growth rate for the fixed service demand for spectrum has been 300% over the past couple of years.

4. The question of provision of replacement spectrum for FS should be referred back to the OET and Wireless/International Bureaus for immediate, further study.

5. It is unanimously agreed that the superimposition of fixed satellite systems (FSS) in 18 GHz band creates difficult spectrum sharing problems.
   (a) Sharing between ubiquitous FS and ubiquitous satellite operations is unrealistic.
   (b) Some sharing between FS and FSS gateways may be feasible under certain conditions.

6. 18 GHz band must be studied as a single issue; not realistic to deal with 18.14-18.58 GHz CARS band alone due to the "ripple" effect on the FS.

7. Noting foregoing and in the spirit of compromise to accommodate FSS operations, in the course of past "18 GHz" negotiations, FS interests agreed to give up 480 MHz by foregoing any further growth in the 18.58-19.16 GHz band in exchange for no loss of wideband spectrum between 19.26-19.7 GHz and rechannelization of that band in association with the 17.7-18.14 GHz band.

8. Proposal now is to take additional spectrum away from terrestrial FS, specifically
   - 30 MHz from PCOs
   - 80 MHz from FS

9. A loss of 30 MHz will make PCOs non-competitive; a loss of 80 MHz will have a significant negative impact on the usefulness of the 18 GHz band for terrestrial fixed because the necessary pairing would no longer be feasible.

Dated: March 10, 2000