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July 13, 2002

To: Ms. Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
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Washington, DC 20002

Reply to:
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From: Paul Nikolich,
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02-135

Dear Ms. Dortch:

Please find attached both a *Motion to Accept Late-filed Comments* and the *Comments of IEEE 802 on Doc. WAC/115(04.06.02), Minority Dissenting Views Thereon, and Doc. WAC/106(04.06.02).*

Should you have any questions regarding this filing, please feel free to contact Mr. Carl R. Stevenson, the Chair of the IEEE 801.18 Radio Regulatory Technical Advisory Group ("TAG").

Respectfully submitted,

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

In the Matter of	)	
	)	
Spectrum Policy Task Force Seeks Public Comment on Issues Related to Spectrum Policies	)	**ET Docket No. 02-135**
	)	
	)	**DA 02-1311**
	)	
To: The Commission	)	

MOTION TO ACCEPT LATE-FILED COMMENTS

On behalf of the IEEE 802.18 Radio Regulatory Technical Advisory Group, the IEEE 802.11, 802.15, and 802.16 Working Groups, and the IEEE 802 Local and Metropolitan Network Standards Committee, I respectfully request that the Commission accept the attached late-filed *Comments of IEEE 802 on Doc. WAC/115(04.06.02), Minority Dissenting Views Thereon, and Doc. WAC/106(04.06.02).*

While we understand that the stated filing deadline for comments in this Proceeding was July 8, 2002, it was impossible for us to meet that deadline for the following reasons:

1. **IEEE 802 held its plenary meeting from July 8-12, 2002 in Vancouver, BC, Canada**
2. **Under IEEE 802's operating rules, which are designed to assure that documents such as the attached comments represent the consensus views of a significant majority of our members, after a document such as this is prepared, it must be approved by the Working Groups and then by the IEEE 802 Sponsor Executive Committee ("SEC") before it can be presented on behalf of IEEE 802.**
3. **The attached document was drafted by a committee of designated experts during the plenary meeting week, but could only be approved by the Working Groups during their closing plenary sessions and then approved by the SEC at its closing meeting on the afternoon and evening of Friday, July 12, 2002.**
4. **After SEC approval, a modest amount of time was required for final formatting and preparation for submission.**

Therefore, I again respectfully request that the Commission and its Spectrum Policy Task Force accept and consider the attached *Comments of IEEE 802 on Doc. WAC/115(04.06.02), Minority Dissenting Views Thereon, and Doc. WAC/106(04.06.02).*

Respectfully submitted,

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

In the Matter of	)	
	)	
Request for Comments on Draft Proposals WRC-03 Approved by the WAC at its June Meeting	)	DA 02-1415
	)	
	)	
To: The Commission	)	

COMMENTS OF IEEE 802 ON DOC. WAC/115(04.06.02), MINORITY DISSENTING VIEWS THEREON, AND DOC. WAC/106(04.06.02)

IEEE 802[1] hereby offers its Comments on the above-captioned documents (relating to the formation of a US Position on WRC-03 Agenda Item 1.5) in response to the Commission's Public Notice.[2]

IEEE 802 and its members that participate in the IEEE 802 standards process are interested parties in this proceeding. The IEEE 802.11a and IEEE 802.16 standards currently use, or are targeted to soon use, the 5 GHz U-NII bands and a rigorous spectrum requirements study conducted in accordance with ITU-R recognized methodologies projects a spectrum requirement of 540 MHz in the 5 GHz region for wireless local area networks ("WLANs", alternatively referred to herein by as "RLANs") by 2010. The globally harmonized allocations of spectrum in the bands 5150-5350 and 5470-5725 MHz contemplated in WRC-03 Agenda Item 1.5 are essential to the continued growth of the RLAN industry and the wide range of benefits its products provide to business, industry, government, education, the health care community, and the public at large.

IEEE 802 appreciates the opportunity to offer our views.

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[1] The IEEE Local and Metropolitan Area Networks Standards Committee ("IEEE 802" or the "LMSC")
[2] DA 02-1415, dated June 17, 2002

IEEE 802 WHOLEHEARTEDLY SUPPORTS THE DRAFT PROPOSAL CONTAINED IN DOC. WAC/115(04.06.02)

1. **IEEE 802 and the IEEE 802 wireless groups applaud the work of the Commission's Informal Working Group 5 ("IWG-5") in the creation of this proposal, which recognizes the need for spectrum sharing and demonstrates the willingness of the wireless industry to create and implement interference mitigation techniques to further enhance necessary spectrum sharing in the subject bands.**

2. **Because of the ever increasing demand for more spectrum for new and innovative services such as 5 GHz RLANs designed to comply with the IEEE 802.11a standard and Wireless Metropolitan Area Networks ("Wireless MANs") designed to comply with the IEEE 802.16 standard, sharing is now necessary and so the wireless industry is making interference mitigating techniques an integral part of their standards in order to enable effective sharing and enhance spectrum utilization.**

3. **The ERC has already allocated the subject bands on a co-primary basis and has mandated the use of interference mitigation techniques known as Dynamic Frequency Selection ("DFS") and Transmit Power Control ("TPC") for use within the European Region. There are other mitigation techniques under review that can be implemented when sharing with certain incumbent services.**

4. **The RLAN industry is committed to providing such mitigation techniques when deploying systems.[3] It also recognizes the need to operate on a non-interfering basis with respect to the incumbent users of the subject bands.**

[3] Both IEEE 802.11 Task Group h and the IEEE 802.16 Working Group are incorporating such mitigation techniques in their standards.

5. New technologies such as IEEE 802.11a and IEEE 802.16 are being designed to incorporate interference mitigation techniques such as DFS and TPC, in order to facilitate enhanced sharing spectrum in the subject bands that have been previously allocated for other uses.

6. Incumbent users of the subject bands have the protection of allocation but not an absolute and permanent right to exclude proposed new uses that provide such interference mitigation techniques.

7. IEEE 802 wholeheartedly supports the Draft Proposal contained in Doc. WAC/115(04.06.02) and urges the Commission to vigorously support it in the intergovernmental negotiations that will take place in the formulation of a final US Position on WRC-03 Agenda Item 1.5.

TWO NON-GOVERNMENTAL ENTITIES FILED MINORITY DISSENTING VIEWS ON THE SUBJECT PROPOSAL

8. Both the American Radio Relay League ("ARRL") a national organization of amateur radio operators, and Globalstar, a Commission-licensed operator of a non-geostationary mobile satellite system filed minority dissenting comments on the subject proposal.

9. The ARRL's objection is based on the fact that there is a secondary allocation to the Amateur Radio Service in the sub-band 5650-5725 MHz, and they voice a concern about the future utility of the amateur secondary allocation in that band. They assert that "*Amateurs enjoy a compatible and stable sharing relationship with the primary radiolocation service and secondary space research (deep space).*"

10. While we understand the concerns of the ARRL on this issue, we would observe that it is relatively easy to have a "*compatible and stable sharing relationship*" with any other user in a shared band when one's use of the band is very small.

11. We are aware of ongoing discussions between RLAN industry representatives and ARRL staff and officers with regard to conducting cooperative joint sharing studies, based on realistic deployment scenarios, aimed at easing the ARRL's concerns.

12. With respect to the concerns of Globalstar, we observe that there are several ITU-R recommendations that specify means for protecting the mobile satellite feeder links. Furthermore, WRC-03 Agenda Item 1.6 is designed to further elaborate such protection criteria.

13. Thus, we find the minority oppositions of the ARRL and Globalstar unconvincing, and further note that Globalstar did not participate in the formulation of the Draft Proposal in IWG-5, but instead waited until the proposal was presented to the WAC to raise its objections.

THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION HAS SUBMITTED AN ALTERNATIVE PROPOSAL THAT IGNORES THE NEEDS OF THE PRIVATE SECTOR AND THE PUBLIC INTEREST BENEFITS THAT WOULD DERIVE FROM THE PROPOSED GLOBALLY-HARMONIZED ALLOCATION IN THE SUBJECT BANDS

14. As mentioned above, the future growth of the RLAN industry and the benefits that the public will derive necessitate the allocation of additional spectrum in the 5 GHz band, as contemplated in WRC-03 Agenda Item 1.5.

15. In fact, Resolution 736 (WRC-2000) at *considering a)* states unambiguously that "*there is a need to provide globally harmonized frequencies in the bands 5 150-5 350 MHz and 5 470-5 7 25 MHz for the mobile service for wireless access systems including radio local area networks (RLANs).*"

16. The NTIA proposal completely ignores this aspect of the Agenda Item, focusing instead exclusively on expanding the spectrum available to incumbent government uses.

17. In light of this, we believe that the NTIA Draft Proposal is fundamentally flawed and unfair, and strongly urge the Commission to support the private sector interests that it regulates and represents by opposing the NTIA's unbalanced proposal in the intergovernmental negotiations that will take place in the formulation of a final US Position on WRC-03 Agenda Item 1.5.

SUMMARY AND CONCLUSION

18. IEEE 802 urges the Commission to vigorously support the private sector Draft Proposal contained in Doc. WAC/115(04.06.02) and to equally vigorously oppose the unbalanced Draft Proposal presented by the NTIA in Doc. WAC/106(04.06.02) in the intergovernmental negotiations that will take place in the formulation of a final US Position on WRC-03 Agenda Item 1.5.

19. With respect to the minority oppositions to the private sector Draft Proposal contained in Doc. WAC/115(04.06.02), we observe that in the case of the ARRL's objection a very, very small number of users is involved and efforts are being made by industry to address their concerns through an attempt to enter into cooperative, balanced, and realistic sharing studies that we believe should eliminate, or at least greatly ease their concerns.

20. With respect to Globalstar's minority objection, we repeat the observation that Globalstar's interests are already protected by several IRU-R recommendations, technical restrictions on RLAN operational parameters in the band of interest to Globalstar, and that, further, WRC-03 Agenda Item 1.6 is intended to provide further protections to the MSS feeder links that Globalstar operates. Additionally, we note that Globalstar did not participate in the development of the private sector proposal in IWG-5, and waited until the last possible moment to voice their objections at the WAC meeting.

Respectfully submitted,

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