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

In the Matter of	)	
	)	
Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands	)	WT Docket No. 03-66 RM-10586
	)	
Part 1 of the Commission's Rules – Further Competitive Bidding Procedures	)	WT Docket No. 03-67
	)	
Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and the Instructional Television Fixed Service Amendment of Parts 21 and 74 to Engage in Fixed Two-Way Transmissions	)	MM Docket No. 97-217
	)	
Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico	)	WT Docket No. 02-68 RM-9718

To: The Commission

COMMENTS OF NEXTNET WIRELESS, INC.

NextNet Wireless, Inc ("NextNet") submits these reply comments in response to the notice of proposed rulemaking in the above-captioned proceeding.[1] NextNet is a manufacturer of high-speed fixed wireless services equipment for various operating bands including MMDS/ITFS frequencies.

[1] *See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, Notice of Proposed Rulemaking and Memorandum Opinion and Order, 18 FCC Rcd 6722 (2003) ("*MDS/ITFS NPRM*"). All comments filed in September 2003, in this proceeding will hereinafter be short cited.

I. NEXTNET AGREES THAT THE COALITION BAND PLAN AFFORDS A WORKABLE SOLUTION TO ALLOW THE USE OF THE MDS/ITFS BAND FOR LOW-POWER TDD AND FDD BROADBAND FIXED SERVICES.

Comments filed in this proceeding to date indicate strong support for an overhaul of the MDS/ITFS band plan. While there is a clearly perceived need to restructure the MDS/ITFS band plan for both existing and new wireless applications, there continues to be a diversity of opinion over the best approach to making these modifications.

In the first round of comments, NextNet expressed concerns regarding coexistence of FDD and TDD technologies without allocation of these technologies to different segments of the band. NextNet now acknowledges that such separation may not be required if careful coordination is undertaken between co-channel and adjacent-channel providers of TDD and FDD, or unsynchronized TDD services in the same geographical area. NextNet believes that with the technical modifications described below, the Coalition's band plan offers a workable compromise to allow the coexistence of FDD and TDD systems. Furthermore it provides a mechanism for coordinating unsynchronized systems where necessary.

II. THE EIRP LIMIT FOR BASE STATIONS IN THE PROPOSED NEW UPPER AND LOWER BAND SEGMENTS SHOULD BE REDUCED TO 500 WATTS.

NextNet requests that the Commission reduce the allowable EIRP for base stations in the LBS and UBS band segments to 500 Watts, rather than continuing with the existing limit of 2 kW for base stations in the MDS band.[2] Furthermore, the EIRP limitation for customer premises equipment (CPE) in this service should be limited solely by the OET 65 specifications for maximum RF exposure.

[2] *See* 47 C.F.R. § 21.904.

The lower EIRP limit of 500 watts for base stations will greatly reduce any potential for interference between systems operating either within or in adjacent GSA's. The Commission has previously used lower power limits to mitigate interference for other services, such as those in the upper 700 MHz band. As the Coalition states in their own proposal, "a field strength limit alone does not provide adequate interference protection when non-synchronized systems are operating co-channel on opposite sides of the border." To afford interference protection for these systems, the Coalition created a "safe harbor proposal". This proposal would limit the height of the base station antenna based on its location from the boundary of a service area. While workable, this can be difficult to administer. Limiting the EIRP of base stations to 500 watts provides interference protection not only for co-channel situations at a GSA boundary, but will also minimize the potential for interference between non-synchronized systems operating on adjacent channels within the service area.

III. THE LIMIT FOR SIGNAL STRENGTH AT SERVICE AREA BOUNDARIES SHOULD BE RETAINED AT 72.8 DbμV/m

NextNet also requests that the Commission retain the existing boundary signal strength limit of 72.8 dBμV/m [3] for the LBS and UBS, rather than the proposed limit of 47 dBμV/m. In addition, licensees should have the flexibility to coordinate and agree on alternative signal strength limits at their service area boundaries. The existing signal strength limit is more appropriate for next-generation low-power systems providing broadband data services, where the additional signal strength is a requirement for higher order modulations. The Coalition's

[3] 72.8 dBμV/m is equivalent to the power flux density limit of -73 dBW/m^2 specified in Section 21.902(b)(5)(i) of the Commission's rules. *See* 47 C.F.R. § 21.902(b)(5).

proposed signal strength limit of 47 dBμV/m is based on PCS rules, which are appropriate for low bit-rate voice applications.

Because licensees will be required to coordinate their systems at their service area boundaries regardless of whether the signal strength limit is 72.8 dBμV/m or 47 dBμV/m, adopting the higher limit of 72.8 dBμV/m will not unduly increase the risk of interference. At the same time, it will ensure that customers in outlying service areas will be able to enjoy high-speed, digital broadband services.

IV. CONCLUSION

With the changes as proposed above, NextNet supports the Coalition band plan. We urge the Commission to move forward expeditiously in formulating the new rules for this band in support of the deployment of broadband wireless systems.

Respectfully submitted,

NEXTNET WIRELESS INC.

/s/ Ben Golant

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CERTIFICATE OF SERVICE

I, Ben Golant, hereby certify that a copy of the foregoing **REPLY COMMENTS** has been served this 23rd day of October 2003 via electronic mail on the following:

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