

ORIGINAL

ORIGINAL

ANN BAVENDER*
 ANNE GOODWIN CRUMP
 VINCENT J. CURTIS, JR.
 PAUL J. FELDMAN
 FRANK R. JAZZO
 ANDREW S. KERSTING
 EUGENE M. LAWSON, JR.
 SUSAN A. MARSHALL*
 HARRY C. MARTIN
 RAYMOND J. QUIANZON
 LEONARD R. RAISH
 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

RECEIVED

JAN 18 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE ORAL EX PARTE

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

January 18, 2000

VIA HAND DELIVERY

Magalie Roman Salas, Esquire
 Secretary
 Federal Communications Commission
 The Portals
 445 12th Street, S.W.
 Room TW-B204
 Washington, D.C. 20554

Re: Follow Up on Oral Ex Parte
In IB Dkt. No. 98-172

Dear Ms. Salas:

On December 15, 1999, Fixed Wireless Communications Coalition (FWCC) representatives met with an FCC team made up of Tom Stanley, Ron Netro, Michael Pollak, and Herb Zeiler of the Commission's Wireless Telecommunications Bureau plus Steve Selwyn (IB), Ed Jacobs (IB), and Geraldine Matisse (OET). The aforementioned meeting, for which an ex parte report has already been filed, resulted in a further question re a 40 MHz "go and return" band to provide spectrum for terrestrial fixed services that might be displaced to accommodate satellite operations. The question could not be answered at the meeting because study was required by the FWCC before an answer could be given.

After a telephone discussion with Ron Netro on January 3, 2000 on the question to be answered, a preliminary E-mail response was sent to him on January 4, 2000 (See Attachment (A) hereto). This was followed up with a final response by the FWCC as set forth in an E-mail dated January 13, 2000 (See Attachment (B) hereto).

No. of Copies rec'd 0/1
 List A B C D E

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

Magalie Roman Salas, Esquire
January 18, 2000
Page 2

Pursuant to Section 1.1206 of the Commission's Rules, I am filing two (2) copies of this. Do not hesitate to call the undersigned if there are questions.

Respectfully submitted,

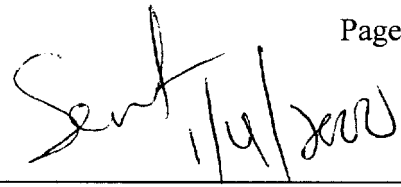
FLETCHER, HEALD & HILDRETH, PLC



Leonard R. Raish
Co-Chairman
Fixed Wireless Communications
Coalition

LRR:cej
Enclosures

cc: Ron Netro (WTB)(w/enc.)
Thomas Stanley (WTB)(w/enc.)

**Leonard R. Raish**

From: Leonard R. Raish <raish@fhh-telcomlaw.com>
To: Ron Netro <rnetro@fcc.gov>
Sent: Tuesday, January 04, 2000 4:55 PM
Subject: 18 GHz band

Good afternoon, Ron. This follows up our telephone conversation of yesterday. Yes, in looking over my notes, we do owe you a follow-up comment. Blame the delay on the Holiday rush period.

First, as regards the two letters filed by the attorneys for Teledesic on November 30 in re IB Docket No. 98-172, the FWCC filed a response on December 20, 1999 -- a copy was provided directly to Tom Stanley. I can fax you a copy if there is trouble locating it.

Your specific question as to replacing the 19.26-19.3 GHz band with 18.58-18.62 GHz has some merit. Altho the FS community is concerned at losing another 40 MHz between 19.26 and 19.3 (in addition to the 18.8-19.16 band), there is a possibility of recouping something by rechannelizing 20 MHz of spectrum in each of the existing spectrum in the 1560 split (go and return channels). The 18.58-18.62 band could be split into two 20 MHz bands which would be paired with a corresponding 20 MHz in each of the 17.7-18.14 and 19.3-19.7 GHz bands. This would provide two new 20 MHz bands which could be channelized for eight 2.5 channels each for a total of sixteen new 2.5 channels. Noting the foregoing, the proposed replacement of 19.26-19.3 GHz, while the best of a bad choice from the FS standpoint, is still considered a feasible alternative.

It should be noted, if this split materializes, there would be economic ramifications in that (a) Teledesic would be expected to pay for any relocation of the incumbent terrestrial fixed users (per the precedent at 2 GHz) and (b) a new FS radio would be involved as the old equipments cannot be realistically (i.e., economically) retuned. (In effect, a new equipment would have to be designed and manufactured). This raises the question of whether or not there is sufficient demand for manufacturers to risk the development costs of a new radio for the band reconfiguration being considered.

I hope the above is responsive to the query posed at the December 15 meeting.

Cordially,

Leonard R. Raish

Sent
1/13/2000

Leonard R. Raish

From: Leonard R. Raish <raish@fhh-telcomlaw.com>
To: Ron Netro <rnetro@fcc.gov>
Sent: Thursday, January 13, 2000 11:25 AM
Subject: 18 GHz Band

Ron: The FWCC response to your query of yesterday is as follows:

- (a) Yes, the 40 MHz of spectrum between 18.58-18.62 GHz will be beneficial to the FS. It should be paired with the existing 17.7-17.74 GHz band.
- (b) Once (a) above is done the 40 MHz of "go and return" should be rechannelled into 2.5 MHz channels (as FWCC originally proposed in its comments on the original 18 GHz NPRM). As a matter of fact, all FS spectrum in the 18 GHz band should be rechannelized at 2.5 MHz channel width.
- (c) The foregoing dictates the need for a new radio. The manufacturers can be expected to respond if (1) the rechanneling is done and (2) incumbents are to be relocated.
- (d) The point should not be lost that the cost of relocation of incumbents falls on the newcomers to the band. (N.B.: Arguments about depreciation, etc., over the short term are spurious as microwave equipment and towers have long life times. Depreciation is really a tax "artifice" and not related to actual service life of equipment.)

I hope this clarifies the matter you have raised. Your hard work is appreciated by FWCC.
Cordially,

Leonard R. Raish