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972-477-6525

February 2, 2004

Donald Abelson
Chief, International Bureau
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: Request by the Fixed Wireless Communications Coalition for an Audit of
Constructed and Operating Satellite Earth Stations**

Dear Mr. Abelson:

On behalf of the Fixed Wireless Communications Coalition (FWCC), I am writing further to the FWCC's request of June 20, 2002, for an audit of earth stations in bands that are shared with co-primary Fixed Service (FS) stations. I have attached copies of the correspondence to date.

The FWCC asked for an audit to facilitate frequency coordination with the FS by eliminating from the Commission's licensing records those earth stations that were abandoned or never constructed. As you know, a proposed FS transmitter in a shared band must avoid causing interference to an earlier-licensed earth station, and must accept any interference from such an earth station. The primary source of data for making these interference calculations is the Commission's licensing database. The presence of non-existent earth stations in that database causes the frequency coordinator to rule out proposed FS stations that, if built, would neither cause nor receive interference.

Your response of August 27, 2002, addressed to FWCC member Ronald W. Coles, indicated that you were investigating the possibility of the audit we requested. Seventeen months having passed since then, we are writing once more to renew our request.

Your response mentioned that the International Bureau's primary method of enforcing the earth station licensing rules relies on the filing of complaints. But that is not an effective way to handle an abandoned or never-constructed earth station that blocks a frequency coordination. To prepare a complaint, the frustrated FS applicant would first have to develop proof that the earth station in fact is inoperative, a step that entails substantial costs. At the very least, the FS applicant must send personnel out to the licensed coordinates. If they find the site is vacant -- as they sometimes do -- that ends the inquiry. But even a visible antenna does not necessarily signify an operating earth station. To verify actual operation, the FS applicant must transport equipment to the site and electronically search for radio-frequency uplink signals.

An FS applicant should not be required to undertake this level of effort solely to confirm application data on file with the Commission -- data whose accuracy, having been attested to by the earth station licensee at the time of filing, ought to be beyond question. Yet our previous field work shows that many licensed earth stations simply do not exist, and others are not operating.

A licensed but unbuilt or inoperative earth station complicates FS frequency coordination in two respects. First, it requires FS operators to protect sites which require no protection. Second, it is more difficult to evaluate interference protection from a vacant earth station site than from an actual earth station. A key step in assessing interference is the measurement of potentially interfering earth station signals at the proposed FS location -- or, if that is not possible, a survey of the path between the earth station and FS antennas for obstructions that might block interference. But neither the measurements nor the survey is possible if the earth station is not constructed. (The coordinates and elevation on the earth station license are not always precise enough to guide a site survey for interference, since some earth stations filings are based on preliminary data.) For these reasons, unbuilt earth stations should not be allowed to remain in the Commission's licensing database after expiration of the one-year construction period (six months for receive-only stations).

This request for an earth station audit is modeled on the audit announced in 2001 by the Wireless Telecommunications Bureau to update its database of Private Land Mobile Radio service licensees below 512 MHz.¹ The Bureau wrote to all listed licensees requesting confirmation that the licensed stations in fact are constructed and operating. The Bureau did not announce the results, but has since cancelled a great many licenses over dozens of public notices, citing the audit. The Bureau subsequently conducted a similar and successful audit of licenses in the 220-222 MHz band,² resulting in the cancellation of 32% of the 956 licenses audited.³

Your letter of August 27, 2002, noted that the Commission collects annual regulatory fees from licensees with operating earth stations. As a preliminary step calculated to simplify an audit, we urge the Commission to promptly eliminate from the licensing records any earth station for which the regulatory fee remains unpaid after six months, and to continue this winnowing on an annual basis.

We further ask the Commission to require each remaining licensee of record to certify that the station described in the license is actually in operation (unless it is within the initial year of the license) at the exact location indicated in the application. After allowing a reasonable time for response and follow-up efforts, where necessary, we recommend that the Commission cancel any license that lacks an associated certification, and remove it from the database, under the authority of Section 25.161. This will help to maximize effective use of the spectrum by preventing the needless blocking of FS coordinations due to nonexistent and non-operational earth stations.

We also ask the Commission to repeat the audit process periodically, perhaps every three years.

¹ *Wireless Telecommunications Bureau Announces Commencement of an Audit of the Construction and Operational Status of Private Land Mobile Radio Stations*, DA 01-1575 (released Aug. 1, 2001).

² *Wireless Telecommunications Bureau Announces an Audit of the Operational Status of Certain 220-222 MHz Band Licenses*, DA 03-1089 (released April 9, 2003).

³ *Wireless Telecommunications Bureau Announces Conclusion of 220 MHz Spectrum Audit*, DA 03-3666 (released Nov. 18, 2003).

Donald Abelson
February 2, 2004
Page 3

We appreciate your attention to this matter. If you have any questions about our request, please call me at the number above.

Respectfully submitted,

For the Fixed Wireless Communications
Coalition:
Dennis J. Guill
Senior Director, Research & Dev.
Wireless Transmission Division
Alcatel USA
Member, FWCC

cc: ***Commissioners***

Chairman Michael K. Powell
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein

Bureau

Anna M. Gomez, Deputy Bureau Chief
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John Martin, Senior Engineer
Joann Licanik, Associate Division Chief
Jennifer Gilseman, Assoc. Div. Chief
Robert Nelson, Chief, Eng. Branch
William Howden, Chief, Syst. Anal. Br.



International Bureau

Federal Communications Commission
Washington, DC 20554

August 27, 2002

Ronald D. Coles
Director, Regulatory Affairs
Stratex Networks, Inc.
3103 Suber Court
Fredericksburg, VA 22408

Dear Mr. Coles:

Thank you for your letter regarding your concern that a significant percentage of licensed earth stations that share certain frequency bands with the Fixed Service on a co-primary basis may have been abandoned or never constructed. You also note that the Wireless Telecommunications Bureau last year announced an audit of wireless facilities to determine whether those stations were operating. You request that the International Bureau conduct a similar audit of its earth stations in bands shared with the Fixed Service.

The Commission's Part 25 rules, which govern earth station licensing, contain provisions allowing us to monitor whether licensed earth stations are constructed and operating. For example, Section 25.133(b) of the rules requires licensees to notify us that construction has been completed and that the earth station has commenced operation and conducts an annual audit of these paylists.

In addition, the Commission collects annual regulatory fees from licensees with operating stations. Section 25.162 of the Commission's rules provides that earth station licenses will be automatically terminated if the station is not constructed or operating within the specified time frames. Section 25.161 similarly provides that interference protection for receive only earth stations will be terminated in certain situations.

Our primary method of determining compliance with these rule provisions is the filing of complaints. We would encourage you or your members to identify, via either informal or formal complaint, any earth stations that have not been constructed or that have been abandoned.

Moreover, prompted by your letter, we are investigating the possibility of an audit. We are working with the Wireless Telecommunications Bureau to ensure that we have a complete understanding of the approach and parameters used in their recent audit.

To the extent we determine that an audit is possible and appropriate, we will take into account the nature and scope that you recommend in setting out the parameters of such a process.

Again, thank you for bringing this matter to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Abelson". The signature is fluid and cursive, with a prominent "D" and "A".

Donald Abelson
Chief

Stratex Networks, Inc.
3103 Surber Court
Fredericksburg, VA 22408
540-899-6882

June 20, 2002

Donald Abelson
Chief, International Bureau
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: Request by the Fixed Wireless Communications Coalition for an Audit of
Constructed and Operating Satellite Earth Stations**

Dear Mr. Abelson:

I am writing on behalf of the Fixed Wireless Communications Coalition, made up of equipment manufacturers and users interested in terrestrial Fixed Service (FS) microwave communications.

As you know, the Fixed Satellite Service (FSS) shares certain frequency bands with the FS on a co-primary basis. Applicants in each service are required to coordinate with the other service.¹

Some FS coordinations fail because the coordinator's database shows a licensed FSS earth station that might cause or receive interference. And yet, a first-hand examination of the earth station site sometimes shows the conflicting earth station was abandoned -- or, in some cases, never constructed.

The Commission's Rules require an earth station to be constructed and brought into regular operation within 12 months of licensing;² and the license cancels automatically if the station is non-operational for 90 days.³ However, based on reports from FS applicants making field inspections, we estimate that a significant percentage of earth stations licensed in the 4 and 6 GHz bands more than 12 months ago in fact are nonoperational or nonexistent. Yet their continued presence in the database continues to block urgently needed FS coordinations.

To resolve this problem, we ask the International Bureau to conduct a census of licensed FSS earth stations, in bands shared with the FS, so as to delete from the database those that are beyond the construction period but not in service.

No doubt you are aware of a similar audit announced last year by the Wireless Telecommunications Bureau, covering Private Land Mobile Radio licenses below 512 MHz that are subject to frequency coordination. I have attached that public notice.

¹ 47 C.F.R. Secs. 25.230(c), 101.103.

² 47 C.F.R. Sec. 25.133(a).

³ 47 C.F.R. Sec. 25.161(c).

Donald Abelson
June 20, 2002
Page 2

If you have any questions about this request, please call me at the number above.

Respectfully submitted,

For the Fixed Wireless Communications
Coalition:

Ronald D. Coles
Director, Regulatory Affairs
Stratex Newtorks, Inc.
Member, Fixed Wireless Communications
Coalition

cc: Anna M. Gomez, Deputy Bureau Chief
Roderick Porter, Deputy Bureau Chief
Jackie Ruff, Associate Bureau Chief
Richard Engelman, Chief Engineer
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