

Before the  
**Federal Communications Commission**  
Washington DC 20554

In the Matter of	)	
	)	
Wireless Telecommunications Bureau	)	DA 08-54
Seeks Comment on Applications Filed	)	File No. 0003064168
by Licensees in the Local Multipoint	)	File No. 0003071271
Distribution Service (LMDS) Seeking	)	File No. 0003185188
Waivers of Section 101.1011 of the	)	
Commission's Rules and Extensions of Time	)	
to Construct and Demonstrate Substantial	)	
Service	)	

**COMMENTS OF THE  
FIXED WIRELESS COMMUNICATIONS COALITION**

The Fixed Wireless Communications Coalition (FWCC)<sup>1</sup> files these comments on waiver requests submitted by the Rural LMDS Group (File No. 0003064168), the LMDS Coalition (File No. 0003071271), and IDT Spectrum (File No. 0003185188).<sup>2</sup>

---

<sup>1</sup> The FWCC is a coalition of companies, associations, and individuals interested in the fixed service -- i.e., in terrestrial fixed microwave communications. Our membership includes manufacturers of microwave equipment, licensees of terrestrial fixed microwave systems and their associations, and communications service providers and their associations. The membership also includes railroads, public utilities, petroleum and pipeline entities, public safety agencies, cable TV and private cable providers, backhaul providers, and/or their respective associations, communications carriers, and telecommunications attorneys and engineers. Our members build, install, and use both licensed and unlicensed point-to-point, point-to-multipoint, and other fixed wireless systems, in frequency bands from 900 MHz to 95 GHz. For more information, see [www.fwcc.us](http://www.fwcc.us).

<sup>2</sup> *Wireless Telecommunications Bureau Seeks Comment on Applications Filed by Licensees in the Local Multipoint Distribution Service (LMDS) Seeking Waivers of Section 101.1011 of the Commission's Rules and Extensions of Time to Construct and Demonstrate Substantial Service*, Public Notice, DA 08-54 (released Jan. 9, 2008). See also *Wireless Telecommunications Bureau Seeks Comment on Applications Filed by Licensees in the Local Multipoint Distribution Service (LMDS) Seeking Waivers of Section 101.1011 of the Commission's Rules and Extensions of Time to Construct and Demonstrate Substantial Service*, Public Notice, DA 07-5050 (released Dec. 19, 2007).

These applicants request relief from the LMDS build-out requirements<sup>3</sup> variously on the grounds of unavailability of suitable equipment,<sup>4</sup> delays in the emergence of a market for LMDS services,<sup>5</sup> and unavailability of financing due to overall conditions in the telecommunications industry.<sup>6</sup>

The FWCC supports these requests for extension.

On the issue of equipment availability, we understand that advances in products for the millimeter-wave, wide-area-licensed bands should in the near term or mid-term include much lower-profile dishes (under 30 cm) for ATM, TDM, and Ethernet. These will offer greatly reduced weight and wind-loading characteristics, relative to larger dishes, yet provide adequate range with lower power requirements. We expect these systems to stimulate demand once they arrive on the market in sufficient quantity. That demand, in turn, will foster increased production that helps to drive prices down.

The market for LMDS will develop alongside end user demand for 3G and 4G mobile wireless services, and for the soon-to-be auctioned 700 MHz frequencies. These developments will not only stimulate the market for wireless broadband generally, with a spillover benefit for LMDS, but additionally should create demand for LMDS frequencies to provide backhaul services.

---

<sup>3</sup> 47 C.F.R. Sec. 101.1011(a).

<sup>4</sup> *E.g.*, Rural LMDS Group Petition for waiver at 2-4 (filed May 25, 2007).

<sup>5</sup> *E.g.*, Petition for Waiver of IDT Spectrum, LLC at 5, 7-10 (filed Sept. 28, 2007).

<sup>6</sup> *E.g.*, Request for Waiver of LMDS Coalition at 5-9 (filed June 14, 2007).

Finally, financing difficulties in the industry are well known and need no elaboration here. For details concerning one particular company, see Petition for Waiver of IDT Spectrum, LLC at 7-8.

In short, the FWCC believes that development in the millimeter wave, wide-area licensed bands will best occur in an environment where licensees have the opportunity to develop, acquire, and deploy equipment in response to the capital markets, equipment availability, and customer demand. Any requirement to deploy links without regard to these considerations may prompt licensees to build otherwise needless "license protection links" that take essential resources away from developing services and equipment that customers may actually need. The FWCC earlier urged the Commission to "take this consideration into account in its deliberations regarding build-out deadlines and license terms."<sup>7</sup>

---

<sup>7</sup> Letter from Mitchell Lazarus, Counsel for the Fixed Wireless Communications Coalition to Marlene H. Dortch, Secretary, FCC in CC Docket No. 92-297, WT Docket No. 99-327, ET Docket No. 95-183 (filed July 19, 2007). *See also* FiberTower Corporation Request for Waiver, Extension of Time to Meet Coverage Requirements, and Extension of License Period, File No.. 0002777394 (filed Oct. 6, 2006).

## CONCLUSION

The FWCC requests that the Commission grant the pending requests for build-out extensions.

Respectfully submitted,

Mitchell Lazarus  
FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 North 17th Street, 11th Floor  
Arlington, VA 22209  
703-812-0440  
Counsel for the Fixed Wireless  
Communications Coalition

January 18, 2008

## COURTESY SERVICE LIST

Chairman Kevin J. Martin  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Commissioner Michael J. Copps  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Commissioner Jonathan S. Adelstein  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Commissioner Deborah Tate  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Commissioner Robert McDowell  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Fred Campbell, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Jim Schlichting, Deputy Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Joel Taubenblatt, Acting Deputy Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Jane Jackson, Associate Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Mary Bucher  
Assistant Chief/Senior Technical Advisor  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Blaise Scinto, Acting Division Chief  
Broadband Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

John Schauble, Assistant Chief  
Broadband Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554