

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)	
)	
Service Rules for the Fixed Service)	RM- 11664
in the 41.0-42.5 GHz Band)	

**Reply of the
Fixed Wireless Communications Coalition**

Pursuant to Section 1.405(b) of the Commission’s Rules, the Fixed Wireless Communications Coalition (FWCC)¹ files this Reply to comments filed on its Petition for Rulemaking in the above-referenced docket.²

A. COMMENTS IN SUPPORT

The FWCC acknowledges and appreciates the supporting comments filed by the Wireless Internet Service Providers Association and Bluwan UK Limited.

B. 41-42 GHz

In part on the basis of information provided in the Opposition of the Satellite Industry Association, the FWCC withdraws the portion of its Petition for Rulemaking that seeks Fixed Service (FS) rules in the 41-42 GHz band.

¹ 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, fixed microwave engineering firms, 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 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.

² *Service Rules for the Fixed Service in the 41.0-42.5 GHz Band*, Petition for Rulemaking of the Fixed Wireless Communications Coalition in RM-11664 (filed May 9, 2012).

C. 42-42.5 GHz

The FWCC reiterates its support for deleting the Broadcast-Satellite Service allocation at 42-42.5 GHz and its opposition to a Fixed Satellite Service (FSS) allocation in that band.

(These issues are also under consideration in IB Docket No. 97-95. The FWCC today filed an *ex parte* statement in that docket consistent with the present Reply, and has served both the *ex parte* statement and this Reply on parties in IB Docket No. 97-95 that commented on an FSS 42-42.5 GHz allocation.)

There is no support in IB Docket No. 97-95 for maintaining the Broadcast-Satellite Service allocation, which should play no part in the consideration of the FWCC's Petition.

Three parties in IB Docket No. 97-95 support a new FSS allocation at 42-42.5 GHz. Two of those—the Satellite Industry Association and Telesat Canada—accept the proposal in the *V-Band Third Notice* to use 42-42.5 GHz only for narrow spot-beams serving a small number of gateway earth stations.³ Neither, however, offers any specificity as to what operations these gateways might support. A third proponent, ViaSat, Inc., favors use of the 42-42.5 GHz band not for gateways, but for data service to the public, and as a substitute for direct-to-home BSS video services.⁴ While ViaSat acknowledges the need to protect radio astronomy operations,⁵ it does not extend the same consideration to the FS, which has a primary allocation in the band.

³ *Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz and 48.2-50.2 GHz Frequency Bands*, Third Notice of Proposed Rulemaking, 25 FCC Rcd 15663 at ¶ 14 (2010) (*V-Band Third Notice*); Comments of the Satellite Industry Association in IB Docket No. 97-95 at 4-6 (filed Jan. 6, 2011); Comments of Telesat Canada in IB Docket No. 97-95 at 2-3 (filed Jan. 6, 2011).

⁴ Comments of ViaSat, Inc. in IB Docket No. 97-95 at 4-5 (filed Jan. 6, 2011).

⁵ *Id.* at 5.

A later ViaSat filing argues that FSS downlink earth stations would pose no threat of harmful interference to FS receivers,⁶ but overlooks that FS/FSS co-primary allocations would ordinarily require FS users to prevent harmful interference into FSS earth stations. Past experience shows that ubiquitous downlink earth stations can preclude frequency coordination across large areas. ViaSat refers obliquely to FSS earth station licensees forgoing interference protection from FS transmitters,⁷ but nowhere states that it would accept such non-protection as a condition of an FSS allocation at 42-42.5 GHz. Such a condition would make the band far less valuable for FSS use and, we suspect, could lead to future requests to rebalance the rights of the various users. Large numbers of FSS downlinks and FS operations are simply a bad match.

In order that the FS can make use of its 42-42.5 GHz allocation, the Commission should set aside the proposal in IB Docket No. 97-95 for an FSS allocation in that band. In the alternative, if the Commission does make such an allocation, it should limit use of the band to narrow spot beams for communicating with a small number of gateway earth stations, in keeping with the careful balance in FS designated spectrum below 40 GHz.

D. 42.5-43.5 GHz

In the near future, the FWCC intends to file a Supplemental Petition for Rulemaking seeking a non-Federal FS allocation at 42.5-43.5 GHz which, together with the 42-42.5 GHz band, will form 1.5 GHz of contiguous FS spectrum.

⁶ Reply Comments of ViaSat, Inc. in IB Docket No. 97-95 at 3 (filed Feb. 7, 2011).

⁷ Comments of ViaSat, Inc. at 7 (filed Jan. 6, 2011); Reply Comments of ViaSat, Inc. at 4 (filed Feb. 7, 2011).

CONCLUSION

The Commission should adopt a Further Notice of Proposed Rulemaking for service rules at 42-42.5 GHz, based on the suggestions here and in the original Petition, at the earliest possible date.

Respectfully submitted,

A handwritten signature in black ink that reads "Mitchell Lazarus". The signature is written in a cursive style with a large initial "M".

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July 24, 2012

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary with the firm of Fletcher, Heald & Hildreth, PLC, hereby state that true copies of the foregoing Reply of the Fixed Wireless Communications Coalition were sent this 24th day of July, 2012, by first class mail, postage prepaid to the attached service list, except those listed at the FCC in Washington, DC, which are hand delivered.

A handwritten signature in black ink, appearing to read 'D. Lunt', with a long horizontal flourish extending to the right.

Deborah N. Lunt

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