

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|   |   |                      |
|---|---|----------------------|
| In the Matter of                                  | ) |                      |
|   | ) |                      |
| Amendment of Part 101 of the Commission's         | ) | WT Docket No. 09-114 |
| Rules to Accommodate 30 Megahertz Channels in     | ) | RM-11417             |
| the 6525-6875 MHz Band                            | ) |                      |
|   | ) |                      |
| Amendment of Part 101 of the Commission's         | ) |                      |
| Rules to Provide for Conditional Authorization on | ) |                      |
| Additional Channels in the 21.8-22.0 GHz and      | ) |                      |
| 23.0-23.2 GHz Band                                | ) |                      |
|   | ) |                      |
| Fixed Wireless Communications Coalition           | ) |                      |
| Request for Waiver                                | ) |                      |
|   | ) |                      |

**Comments of National Spectrum Management Association**

**I. INTRODUCTION**

The National Spectrum Management Association (NSMA) respectfully submits the comments and observations included below in support of the Commission's proposals to modify the Part 101 Rules to provide fixed terrestrial wireless licensees with authority to operate channels with wider bandwidths of as much as 30 megahertz in the 6525-6875 MHz band (Upper 6 GHz Band) in response to a petition for rulemaking filed by the Fixed Wireless Communications Coalition (FWCC).

The NSMA is a voluntary association of microwave radio/wireless and satellite frequency coordinators, licensees, manufacturers and regulators. Established in 1984, the Association provides a forum to develop industry guidelines for efficient use and management of the radio frequency spectrum by the wireless telecommunications community. NSMA provides a linkage between government regulations and industry practice by developing recommendations that streamline and standardize procedures used by the frequency coordination community

## **II. THE NSMA ENDORSES THE COMMISSION'S PROPOSAL TO ALLOW THE USE OF 30 MHZ BANDWIDTH CHANNELS IN THE UPPER 6 GHZ BAND WITHOUT A REQUIREMENT FOR WAIVER**

We note that the basic intention of the proposal is to allow use of the upper 6 GHz Band for high speed broadband traffic requiring more than 10 MHz bandwidth channels in areas where the lower 6 GHz Band is congested, without seeking a waiver of the current rules. As indicated in the NPRM, the FCC routinely has granted waiver requests subject to the usual coordination requirements. The NSMA is in agreement with the FWCC's observation that the main impact of the waiver request process is to prevent the station from operating pending waiver approval instead of commencing operations immediately under the conditional licensing provisions in 47CFR101.31(b)(1). As mentioned in the FWCC petition, and reflected in the NPRM, fixed service facilities must often be installed on short notice to meet urgent needs, which makes conditional licensing an important asset to the industry and its customers. Fixed service bands carry critical services such as public safety communications (including police and fire vehicle dispatch), coordinating the movement of railroad trains, controlling natural gas and oil pipelines, regulating the electric grid, and backhauling wireless telephone traffic. In addition, they carry large amounts of business data. Conditional licensing allows providers to meet public safety, infrastructure, and commercial needs with minimum delay. The Commission has granted numerous waivers<sup>1</sup> for operation using bandwidths greater than 10 MHz in the Upper 6 GHz Band, thereby indicating it recognizes the increasing demand for wider channels at 6 GHz and the congestion that exists in the Lower 6 GHz Band. The NSMA can attest to the increasing difficulty in finding vacant 30 MHz channels in the lower 6 GHz band.

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<sup>1</sup> At least 890 waivers of this type have been approved, apparently without guidance by an identified channel plan.

**III. THE NSMA ENDORSES THE COMMISSION'S PROPOSAL TO REQUIRE THAT BEFORE EMPLOYING THE UPPER 6 GHZ BAND THE USER MUST FIRST SEEK TO USE THE LOWER 6 GHZ BAND; THE NSMA ALSO SUGGESTS CONSIDERATION OF THE 11 GHZ BAND**

The NSMA recognizes the original intention for the Upper 6 GHz Band was to provide for private operational fixed use and hence the limitation to 10 MHz bandwidth channels. This has since been relaxed, as indicated by the history of approved waivers. However, the demand for higher capacity even amongst private networks has grown, resulting in increased requirements for wider band channels. Due to congestion in the lower 6 GHz band, the upper 6 GHz band is the next logical band to seek for its use. Concerns that the wider bandwidth channels might be used for assuring growth of narrowband systems are addressed by the minimum throughput and loading requirements given in Section 101.141(a)(3) and by the proposed new footnote (33) to Section 101.147, namely, "The coordination of a new 30 MHz link in the 6,525-6,825 MHz band should be attempted only if it cannot be accommodated in the 5,925-6,425 MHz band."

The NSMA suggests, in addition, that before coordinating the wider bandwidth channels in the Upper 6 GHz Band, operators should also attempt coordination in the 10.7-11.7 GHz Band, as suggested by Comsearch. However, in the case of 6 GHz links already in operation, regardless of bandwidth, where expansion to 30 MHz bandwidth is needed, this should not be required for reasons of additional complexity and cost. Thus, the proposed footnote would state:

(33) The coordination of a new 30 MHz link in the 6,525-6,825 MHz band should be attempted only if it cannot be accommodated in the 5,925-6,425 MHz or the 10.7-11.7

GHz bands, except in the case of existing 6 GHz operations, the 10.7-11.7 GHz band need not be considered.

#### **IV. THE NSMA ENDORSES THE PROPOSED CHANNELING ARRANGEMENTS**

The NSMA notes the proposed channeling arrangement has been selected to avoid any overlap with the channels centered at 6535 and 6575 MHz which are reserved for emergency restoration, maintenance bypass, and other temporary fixed uses. Regardless of the outcome of this proceeding, a standard channel plan would be an asset in dealing with the increase in 30 MHz bandwidth assignments in this band, whether granted by rule or waiver.

#### **V. RESPONSES TO ISSUES RAISED**

The NSMA responds to specific issues raised in the NPRM as follows:

1. Comment on whether allowing 30 megahertz channels in the Upper 6 MHz Band could lead to congestion and speculative licensing: As mentioned above, the proposal for wide band channels is in response to real growth and requirements, as evidenced by the large number of waivers the Commission has had to deal with. So, any congestion in the upper 6 GHz band would be caused by legitimate and non-speculative filings and the Commission's response of identifying an optimal channeling plan is entirely appropriate. Concerns about speculative filings are addressed by the Commission's proposal to require applicants to first seek accommodation in the lower 6 GHz and the 10.7-11.7 GHz band and the requirement to meet minimum payload requirements, as given in §101.141 (a)(3).
2. Comment on whether authorizing 30 megahertz channels in the Upper 6 GHz Band would adversely impact the relocation of narrow-bandwidth links from other bands: There are many

bands into which systems can be relocated, including: 6, 10, 18, and 38 GHz. Relocating to these bands could result in performance similar to that of the 2 GHz bands with proper system design, depending primarily on path length and design objectives. The upper 6 GHz band is attractive for relocation from lower bands, as compared to higher bands, if its use results in being able to maintain the same physical link characteristics as at the lower bands. However, antennas and waveguide and in some cases tower structures and spacing will need to be changed when relocating frequency bands. For example, grid antennas commonly used at 2 GHz are not available at other frequencies. Transmission lines typically would need to be replaced since 2 GHz systems commonly use coaxial cable which cannot be used at higher frequencies. In most cases, tower structure, height and loading configurations would need to be re-evaluated. While the Upper 6 GHz Band may be preferred in the case of some 2 GHz relocations, as pointed out by AT&T, costs may be offset to some extent under the Commission's policy on accommodating emerging technologies.

3. Comment on the Proposed Channeling Plan: NSMA agrees that the channel centers selected by the FWCC should be used as the basis for a channel plan in this band. An advantage to formally modifying the Rules to authorize 30 MHz channels rather than permitting 30 MHz channels on a waiver basis is the inherent efficiencies of having common channel centers. The specific choice of channel centers proposed, in addition, has the advantage of avoiding channels identified for emergency restoration, maintenance by-pass and other temporary fixed usage.

**VI. NSMA ENDORSES THE COMMISSION'S PROPOSALS TO APPLY CONDITIONAL LICENSING IN TWO ADDITIONAL PAIRS OF 23 GHz**

The NSMA endorses the Commission's proposal to waive Section 101.31(b)(vii) of the rules to allow for conditional authority on the 22.025/23.225 GHz and 22.075/23.275 GHz

channel pairs for non-federal applicants proposing to limit their equivalent isotropically radiated power (EIRP) to 55 dBm.

## **VII. CONCLUSION**

For the foregoing reasons, the NSMA supports the Commissions proposed amendments to its rules permitting operation of channels up to 30 MHz bandwidth in the Upper 6 GHz Band and to allow conditional operation on two additional 23 GHz channel pairs.

### **THE NATIONAL SPECTRUM MANAGEMENT ASSOCIATION**

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