



National Spectrum Managers Association

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January 10, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**SUBJECT: Request for Status of Petition for Rulemaking RM-9830 –
Interference to Geostationary Satellite for
Point-to-Point Microwave Systems**

Dear Ms. Dortch,

On behalf of the National Spectrum Managers Association (NSMA), this is to inquire as to the status of the above-captioned rulemaking petition.

The petition was filed in November 1999 by the engineering firm Edwards and Kelcey, Inc. and, to be perfectly forthright, was signed by me as its then VP - RF Engineering. (I have since left that firm, and also since been elected as NSMA president.) The petition proposed eliminating the specific requirement for a waiver in connection with "satellite orbital arc intersections" associated with license applications for shared-band terrestrial point-to-point microwave radio systems.

The waiver requirement (in Section 101.145) is intended to control potential interference from microwave transmitters to satellite up-link receivers. If an orbital intersection is determined to exist, microwave transmitters are subject to specified limits on effective isotropic radiated power.

The requirement for a waiver results in both license-processing and system-implementation delays for microwave applications so affected – even with the applicants' stated compliance with the subject radiated power limitations. (The simple inclusion of a waiver request in a license application results in lengthier application processing time.) To our knowledge, no such waiver request has ever been denied by the Commission; moreover, it is virtually impossible with today's microwave technology to exceed the specified power limits. Thus, in the interests of efficiency, the petition suggested an alternative requirement for an explanation and compliance statement in lieu of the waiver request.

The Commission solicited public comments on the rulemaking petition in early 2000, and the comments (and reply comments) by more than a dozen industry parties were largely supportive of the proposed change. However, there has been no Commission action on the matter since then.

The NSMA believes the petitioned change is consistent with the Commission's ongoing efforts involving regulatory streamlining. Given the logic and relative simplicity of the change involved, as well as the immediate positive benefits in terms of timely microwave system implementation, we are uncertain why action on this matter appears to be stalled. We are very interested in hearing about the status of the petition and the Commission's plans for addressing the proposal, and would appreciate an informal response or, if you deem more appropriate, a formal response.

If there are any questions, I can be reached at 973-451-1630 on extension 102

Regards.



Daniel J. Collins, President
National Spectrum Managers Association

d/o Pinnacle Telecom Group, LLC
14 Ridgedale Avenue – Suite 262
Cedar Knolls, NJ 07927