



SEP 23 1999

Mr. Dale N. Hatfield
Chief, Office of Engineering and Technology
Federal Communications Commission
Washington, DC 20554

RE: Memorandum Opinion and Order - Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands; Implementation of Section 309(j) of the Communications Act; ET Docket No. 95-183 ---- Competitive Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz Bands. PP Docket No. 93-253

Dear Mr. Hatfield:

The National Telecommunications and Information Administration (NTIA) has reviewed the most recent FCC document addressing the 38.6-40.0 GHz band (FCC 99-179), and provides the following comments for your information.

We note that jurisdiction of the 39.5-40.0 GHz band is shared co-equally between the Federal Government and the FCC. The FCC plans to grant licenses in this band by the auction process, and will be area-wide on the basis of Economic Areas. The Federal allocations are for fixed- and mobile-satellite services. Although the Federal Government has no current satellite operations in the 39.5-40.0 GHz band, the United States has treaty obligations to support future NATO fixed- and mobile-satellite operations in this band. The Department of Defense has also notified us of plans for a fixed- and mobile-satellite system that will use this band.

Future coordination among government/non-government users of the 39.5-40.0 GHz band will be difficult without data concerning the location of the both government and non-government transmitters. Government transmitter locations are generally contained in the Government Master File. However, current practice in area-wide licensing is for commercial operators to keep their own database of transmitter locations. In the co-equally shared government/non-government bands, such as 39.5-40.0 GHz, NTIA notes that coordination is still a requirement for new entrants, and requests that a database of commercial transmitter locations be available for coordination purposes. Commercial operators must coordinate with existing Government stations as listed in the Government Master File, and new Government users must coordinate with existing commercial stations as contained in the database.

Finally, bidders for licenses in the 39.5-40.0 GHz band may not be aware that this is a shared band, unlike the 38.6-39.5 GHz band which is exclusive non-government spectrum. In order for the bidders to fully assess the value of the potential licenses, the FCC should include information in the bidder's package for the 39.5-40.0 GHz band that the Department of Defense has plans for fixed- and mobile-satellite operations in the 39.5-40.0 GHz band, as well as the existence of United States treaty obligations for fixed- and mobile-satellite operations in the band that may need to be satisfied in the future.

Coordinating fixed- and mobile-satellite operations with incumbent fixed service operators will be a challenging task. We need to discuss spectrum management options that are available to us, including the implementation of appropriate power-flux-density limits, as soon as possible. I and my staff look forward to discussing this issue.

Sincerely,


for William T. Hatch
Acting Associate Administrator
Office of Spectrum Management