

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Flexibility for Delivery of Communications by) IB Docket No. 01-185
Mobile Satellite Service Providers in the 2 GHz)
Band, the L-Band, and the 1.6/2.4 GHz Bands;) IB Docket No. 02-364

Review of the Spectrum Sharing Plan Among
Non-Geostationary Satellite Orbit Mobile Satellite
Service Systems in the 1.6/2.4 GHz Bands

To: The Commission

Via the ECFS

REPLY COMMENTS OF IEEE 802

IEEE 802¹ hereby respectfully offers its Reply Comments in the above-captioned Proceeding.²

The members of the IEEE 802 that participate in the IEEE 802 standards process are interested parties in this proceeding. IEEE 802, as a leading consensus-based industry standards body, produces standards for wireless networking devices, including wireless local area networks (“WLANs”), wireless personal area networks (“WPANs”), and wireless metropolitan area networks (“Wireless MANs”).

As an interested party in this Proceeding we appreciate the opportunity to provide these Reply Comments to the Commission.

¹ The IEEE Local and Metropolitan Area Networks Standards Committee (“IEEE 802” or the “LMSC”)

² This document represents the views of IEEE 802. It does not necessarily represent the views of the IEEE as a whole or the IEEE Standards Association as a whole.

EXTENDING THE 2.4 GHZ “PART 15” BAND BY ADDING THE SEGMENTS 2483.5 TO 2492.5 MHZ AND 2498 TO 2500 MHZ IS THE BEST USE OF THE RECLAIMED BIG LEO SPECTRUM

1. In reviewing the comments filed regarding the Big Leo NPRM, IEEE 802 believes that the arguments for reassignment to license-exempt use under Part 15 offered in comments by the License-Exempt Alliance (“LEA”) present a compelling economic case for reallocation to a service profile with a clear track record of success. The LEA states:

“From a consumer perspective, then, there is more than ample justification for the Commission to support license-exempt wireless broadband deployment via an allocation of additional license-exempt spectrum in the 2483.5-2492.5 MHz and 2498-2500 MHz bands.”

2. Given the dismal economic performance of the bankrupt Big Leo licensees, and the speculative economics of other proposed reallocations, such as those proposed by Verizon regarding MDS, IEEE 802 supports the extension of license exempt spectrum at 2.4 GHz as clearly the most economically viable allocation. The track record of economic growth supported by license exempt services, especially by IEEE 802 based networks, is unparalleled in recent wireless communications history. The opportunities for deployment in new areas, metropolitan and rural, and continued growth only improve with the added spectrum segments.

3. We support the arguments and conclusions of Verizon Wireless³ that any actual or necessary relocation of existing systems from the MDS band can and should be accommodated within the (restructured) 2500 – 2690 MHz MMDS / ITFS bands. We do NOT support Verizon’s alternative conclusion that MDS relocation should occur to the proposed 2490-2500 MHz band. We assert, instead, that the public interest would be better served by extending the license exempt band, based on the economic success of IEEE 802 WLAN standards based equipment operating in the 2400-2483.5 MHz band.

4. We concur with the Comment of the Wireless Communications Association International (WCA)⁴ that:

“...the Commission must extend newly-adopted Section 25.255 of the Rules to ensure that no terrestrial service provider in the 2483.5-2500 MHz band causes harmful interference to adjacent MDS/ITFS operations at 2500-2690 MHz.”

³ See Reply Comments of Verizon Wireless, dated July 7, 2003

⁴ See Reply Comments of the WCA, dated July 7, 2003

5. We recognize the vital importance of coexistence between licensed exempt services and other services and continue to undertake within our own working groups and support the efforts of others to prevent interference. We believe that adding the two reclaimed Big Leo spectrum segments to the 2.4 GHz licensed exempt band will not result in interference to adjacent services, including MDS/ITFS operations, under present Commission rules.

6. We agree with the statement of the American Petroleum Institute/United Telecom Council (API/UTC) that:

“Unlicensed Wireless Ethernet Radio equipment (both point- to-point and point-to-multipoint) has been a cost-effective tool to get IP-type connectivity pushed out to many remote locations.”

7. However, we find their assertion that *“Experience has shown ... that the potential for interference with unlicensed devices is substantial...”* to be exaggerated and without substance given the clear record of successful deployment of unlicensed network infrastructure in the mission critical operations of corporations, hospitals, and other venues where reliable operation is a priority. In addition, we point out that licensed radio bands are available under other parts of the Commission’s rules to support any special needs of API/UTC members without a new spectrum allocation, including any “critical infrastructure” requirements.

Respectfully submitted,

/s/

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