



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 15-1166
October 13, 2015

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUESTS OF AVIAT NETWORKS AND CBF NETWORKS, INC. D/B/A FASTBACK NETWORKS FOR WAIVER OF CERTAIN ANTENNA REQUIREMENTS IN THE 71-76 AND 81-86 GHZ BANDS

WT Docket No. 15-244

Comments due: November 12, 2015
Reply Comments due: November 30, 2015

Aviat Networks (Aviat), a provider of microwave networking solutions, and CBF Networks, Inc., d/b/a Fastback Networks (Fastback), a manufacturer of outdoor wireless networking products, have each filed a request for waiver of certain antenna standards for the 71-76 and 81-86 GHz bands (Waiver Requests).¹ With this Public Notice, the Wireless Telecommunications Bureau (Bureau) is consolidating its consideration of the two Waiver Requests and seeking comment on them as described below.

On October 16, 2003, the Commission adopted a *Report and Order* establishing service rules to promote non-Federal development and use of the millimeter wave spectrum in the 71-76 GHz, 81-86 GHz, and 92-95 GHz bands, which are allocated to non-Federal Government and Federal Government users on a co-primary basis.² Originally, the Commission adopted a maximum EIRP of +55 decibel watt (dBW) and required a minimum antenna gain of 50 dBi with 0.6 degree half-power bandwidth.³ On reconsideration the Commission reduced the minimum antenna gain to 43 dBi, with a requirement that the maximum authorized EIRP be reduced by 2 dB for each dB the antenna gain was less than 50 dBi.⁴

Aviat and Fastback seek partial waivers of Section 101.115 of the Commission's rules⁵ to allow them to deploy smaller antennas in the 71-76 GHz and 81-86 GHz bands.⁶ Specifically, they request: (1)

¹ Request for Waiver, Aviat Networks, Inc. (filed Apr. 5, 2013) ("Aviat Waiver Request"); Amendment to Request for Waiver, Aviat Networks, Inc. (filed Mar. 24, 2014) ("Aviat Amended Waiver Request"); CBF Networks, Inc., Request for Waiver (filed June 19, 2015) ("Fastback Request"). On November 10, 2014, Aviat and Radio Frequency Systems (RFS) asked that RFS be added as a party to the Aviat Waiver Request. *See* Letter from Mitchell Lazarus, Esq. and Cheng-yi Liu, Esq., Counsel for Aviat U.S., Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Nov. 10, 2014). Because Radio Frequency Systems asked to be added on to the Aviat Waiver Request, we address it collectively as the Aviat Waiver Request.

² The bands are allocated to both Federal Government and non-Federal Government users on a co-primary basis, except the 94.0-94.1 GHz portion, which is allocated for Federal Government use on a primary basis. *See generally* Allocations and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands, WT Docket No. 02-146, *Report and Order*, 18 FCC Rcd 23318, 23322-23331 ¶¶ 6-26 (2003) (*70-80-90 GHz R&O*).

³ *70/80/90 GHz R&O*, 18 FCC Rcd at 23355 ¶ 96.

⁴ *70/80/90 GHz Reconsideration Order*, 20 FCC Rcd at 4906 ¶ 34.

⁵ 47 C.F.R. § 101.115(b).

use of a new suppression table that allows for Category A and B antennas, lower minimum gain (38 vs. 43 dBi), higher maximum beamwidth (2.2 vs. 1.2 degrees), and modified suppression criteria at various angles; (2) application of the co-polar discrimination requirement to the range of angles 2.5-5 degrees from the centerline, rather than 1.2-5 degrees as at present; (3) relaxation of the required cross-polar discrimination from 25 dB to 21 dB; and (4) reduction of the required magnitude of co-polar discrimination from G-28 dB to G-33 dB, where G is the antenna gain in dBi.⁷ Aviat and Fastback assert that granting the Waiver Requests would allow deployment of smaller, thinner and lighter antennas, and would serve the public interest by “stimulat[ing] activity in the underused 71-76/81-86 GHz bands,” “with no adverse effect on any party.”⁸

The antenna standards for the 71-76 GHz and 81-86 GHz bands are currently the subject of a request by the Fixed Wireless Communications Coalition (FWCC), which asks the Commission to amend Section 101.115 of the Commission’s rules to relax those antenna standards to allow the use of smaller antennas in those bands.⁹ Aviat and Fastback specify that they seek waivers to allow antennas meeting the proposed requirements to be used immediately, prior to the resolution of this rulemaking.¹⁰ They propose several conditions on the waivers.¹¹

Several entities, including Huber+Suhner AG, PEG Bandwidth, LLC, T-Mobile USA., Inc., and FWCC, have already submitted comments on these Waiver Requests.¹² These comments will be incorporated into this docket and included in the record of this proceeding. Requests for waiver of rules governing Wireless Radio Services are governed under Section 1.925 of the Commission’s rules.¹³ Accordingly, we seek comment on the Aviat and Fastback Waiver Requests.

⁶ See Aviat Waiver Request at 2; Fastback Waiver Request at 1.

⁷ Aviat Waiver Request at 10-11, Aviat Amended Waiver Request at 2; Fastback Waiver Request at 1.

⁸ Aviat Waiver Request at 12; Fastback Waiver Request at 2. Aviat states that antennas meeting the proposed standards will not interfere with existing uses of the band, as they would operate at “relatively low power,” and would be installed pursuant to existing coordination procedures. Aviat Waiver Request at 11.

⁹ Comments of the Fixed Wireless Communications Coalition in Response to the Commission’s Notice of Inquiry, WT Docket No. 10-153 (filed Oct. 5, 2012); Letter from Mitchell Lazarus, Counsel for the Fixed Wireless Communications Coalition to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 10-153 (filed Apr. 4, 2013).

¹⁰ Aviat Waiver Request at 2; Fastback Waiver Request at 1-2.

¹¹ Aviat Waiver Request at 13; Fastback Waiver Request at 1.

¹² Letter from Vijay Lewis, Chief Technology Officer for PEG Bandwidth, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Apr. 10, 2015); Letter from Kathleen O’Brien Ham, Vice President of Federal Regulatory Affairs for T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Mar. 12, 2015); Letter from Mitchell Lazarus, Counsel for the Fixed Wireless Communications Coalition to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Mar. 23, 2013); Letter from Matthias Fries PhD, Product Line Manager Antennas for Huber+Suhner AG to Mitchell Lazarus, Counsel for the Fixed Wireless Communications Coalition, Forwarded to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Dec. 3, 2013).

¹³ 47 C.F.R. § 1.925.

Procedural Matters

A. Filing

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed either by filing paper copies or using the Commission's Electronic Comment Filing System (ECFS). *See generally* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). When filing comments, please reference WT Docket No. 15-XXX.

- **Electronic Filers:** Comments may be filed using the Internet by accessing ECFS: <http://fcc.gov/ecfs/> Follow the instructions for submitting comments.
 - Generally, only one copy of an electronic submission must be filed and should include the docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.
 - Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Office of the Secretary, Federal Communications Commission. Paper filings can be submitted by the following methods:
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail): Mail to 9300 E. Hampton Dr., Capitol Heights, MD 20743.
 - U.S. Postal Service (First-class, Express and Priority): Mail to 445 12th St., S.W., Washington, DC 20554.
 - Hand-delivered/Courier: Deliver to 445 12th St., S.W., Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Envelopes and boxes must be disposed of before entering the building.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

B. Availability of Documents

Documents in WT Docket No. 15-244 will be available for public inspection either through ECFS: <http://apps.fcc.gov/ecfs/>, or during regular business hours in the FCC Reference Center (CY-A257) at the Federal Communications Commission, 445 12th Street, SW., Washington, DC, 20554. These documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

C. Ex Parte Rules—Permit-But-Disclose Proceeding

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to

treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this Public Notice, *ex parte* presentations that are made with respect to the issues involved in the subject Waiver Requests will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b). Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Section 1.1206(b). In proceedings governed by Section 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

FOR FURTHER INFORMATION CONTACT: Catherine Schroeder, Broadband Division, Wireless Telecommunications Bureau at (202) 418-1956, or by e-mail at catherine.schroeder@fcc.gov.

Action by the Chief, Broadband Division, Wireless Telecommunications Bureau.

– FCC –