

Leann Nguyen

From: John Kennedy
Sent: Thursday, July 13, 2017 3:37 PM
To: Leann Nguyen
Cc: ELB-Coordination-Info
Subject: FW: NG 206231 - 0154-EX-CM-2017

Leann,

After speaking with Tom Grimaldi, he said he is going to untable NG 206231.

I ensured him that NASA's condition would be on your experimental grant:

Operations in the 100-102 GHz and 200-205 GHz frequency bands are granted on a strict non-interference basis to the Earth Exploration-Satellite (passive), Radio Astronomy, and Space Research (passive) services. The licensee acknowledges that long term or multiple location use of passive bands is not possible, and the licensee shall transition any long-term use to a band with appropriate allocations.

Have you added it as a Special Condition yet in preparation for the grant of 0154-EX-CM-2017? If not, please do so that this doesn't fall through the cracks between now and then.

Regards,

John W. Kennedy
Chief, Spectrum Coordination Branch
Federal Communications Commission
(202) 418 2484

From: John Kennedy
Sent: Thursday, July 13, 2017 3:11 PM
To: 'Grimaldi, Thomas M.' <TGrimaldi@ntia.doc.gov>
Subject: NG 206231

NG 206231

From: Rhodes, Bryan A. (GRC-MSC0) [<mailto:bryan.a.rhodes@nasa.gov>]
Sent: Tuesday, June 27, 2017 12:17 PM
To: John Kennedy <John.Kennedy@fcc.gov>
Subject: RE: File 0231-EX-CN-2017 / W12XVS

John-

NASA is of the opinion that propagation measurements in and of themselves do not constitute a new technology or service, especially when they will be conducted in frequency bands that are allocated world-wide to the passive service by Footnote 5.340 and nationally by Footnote US246.

Additionally, the justification provided for the operation of the equipment within the passive bands instead of using “nearby bands that have non-passive allocations” by the applicant is extremely lacking and would normally not be sufficient to satisfy the requirements of section 5.85(a)(2) on its own merit from NASA’s perspective.

That being said, I discussed the request to revisit this application with John Z. and NASA would consider a petition for reconsideration with the following condition added to the grant:

Operations in the 100-102 GHz and 200-205 GHz frequency bands are granted on a strict non-interference basis to the Earth Exploration-Satellite (passive), Radio Astronomy, and Space Research (passive) services. The applicant acknowledges that long term or multiple location use of passive bands is not possible, and the applicant shall transition any long-term use to a band with appropriate allocations.

Thanks!

Bryan Rhodes

NASA Frequency Assignment Program Manager

NASA Glenn Research Center

Space Communications and Spectrum Management Office

21000 Brookpark Road, 142-2

Cleveland, Ohio 44135

United States of America

Tel: 216.433.2473

Cell: 216.386.0995

bryan.a.rhodes@nasa.gov

From: John Kennedy [<mailto:John.Kennedy@fcc.gov>]

Sent: Monday, June 26, 2017 8:58 AM

To: Rhodes, Bryan A. (GRC-MSCO) <bryan.a.rhodes@nasa.gov>

Subject: FW: File 0231-EX-CN-2017 / W12XVS

Mr. Rhodes,

The FCC recently granted FCC application 0231-EX-CN-2017 containing the serial numbers NG 204297, 298, 299 and 300 with the band 100-102 GHz excluded.

The applicant asks if the statement below and attached alleviates NASA’s concerns of harmful interference and if they can file a modification to have the 100-102 GHz band included.

John Kennedy

From: Michael Marcus [<mailto:mjmarcus@marcus-spectrum.com>]

Sent: Friday, June 23, 2017 2:59 PM

To: John Kennedy <John.Kennedy@fcc.gov>

Subject: File 0231-EX-CN-2017 / W12XVS

John,

In this experimental license grant access to 100-102 GHz was forbidden I believe as a result of concerns put forth by NASA.

While NASA has raised this issue in the past in other application for other applicants that I have handled, this is the first time they have done so since the adoption of the current provisions of § 5.85(a) which state:

(1) Stations operating in the Experimental Radio Service may be authorized to use any Federal or non-Federal frequency designated in the Table of Frequency Allocations set forth in part 2 of this chapter, provided that the need for the frequency requested is fully justified by the applicant. Stations authorized under Subparts E and F are subject to additional restrictions.

(2) Applications to use any frequency or frequency band exclusively allocated to the passive services (including the radio astronomy service) must include an explicit justification of why nearby bands that have non-passive allocations are not adequate for the experiment. Such applications must also state that the applicant acknowledges that long term or multiple location use of passive bands is not possible and that the applicant intends to transition any long-term use to a band with appropriate allocations.

It may well be that NASA and NTIA staffers are not fully aware of these new provisions and did not consider them. Presumably IRAC and NTIA coordinated on the text of this rule when it was adopted a few years ago.

Attached is the Supplemental Statement that was filed at FCC in conjunction with the application. As we have discussed, due to IT issues NTIA may not have seen this statement.

In the attached statement, **all** the provisions of § 5.85(a)(2) are addressed.

I request that you set up a dialogue between me and a NASA official who has the power to reconsider the agency position in order to develop an alternative condition for the license that BOTH protects all governments systems during the term of the license at the licensed location AND allows this data collection to take place.

Thanks for your interest.

Michael J. Marcus
Marcus Spectrum Solutions LLC
+1-301-229-7714
www.marcus-spectrum.com