

0060-EX-ST-1998
ORIGINAL

Teligent

Teligent, Inc.
8065 Leesburg Pike, Suite 400
Vienna, Virginia 22182
voice: 703.762.5100
fax: 703.762.5200
<http://www.teligent.com>

November 19, 1998

VIA HAND DELIVERY

Federal Communications Commission
Experimental Licensing Branch
P.O. Box 358320
Pittsburgh, PA 15251-5320

Re: *Request for Special Temporary Authority*
Teligent, Inc.
Digital Electronic Message Service
Expedited Treatment Requested

Dear Ladies and Gentleman:

Pursuant to Section 5.56, 5.57(a) and 5.202(i) of the Commission's Rules, 47 C.F.R. §§ 5.56, 5.57(a) and 5.202(i), Teligent, Inc. and its wholly owned subsidiaries Teligent License Company I, L.L.C. ("Company I") and Teligent License Company II, L.L.C. ("Company II") (collectively "Teligent"), hereby request an additional Special Temporary Authority ("STA") to operate non-type accepted equipment in the 24 GHz Digital Electronic Message Service ("DEMS") band for six months. Teligent's current STA to conduct the type of experimental testing requested in this application will expire on December 9, 1998.¹ Grant of this request is consistent with the Commission's March 14, 1997 order that required: (1) the relocation of 18 GHz band DEMS licenses to the 24 GHz DEMS band to satisfy national security requirements; (2) the discontinuance of 18 GHz DEMS operations in the Washington, D.C. market and Denver, Colorado areas as of June 5, 1997; and (3) the discontinuance of 18 GHz DEMS operations in all other areas by January 1, 2001.²

¹ Teligent's current STA was granted on June 9, 1998. See FCC File Number S-3398-EX-98.

² Amendment of the Commission's Rules to Relocate the Digital Electronic Message Service From the 18 GHz Band to the 24 GHz Band and to Allocate the 24 GHz Band for Fixed Service, *Order*, ET Dkt. 97-99, FCC 97-95 (Released March 14, 1997) ("*DEMS Relocation Order*"). The effective date of the *DEMS Relocation Order* is June 5, 1997.

Specifically, Teligent seeks an authorization for six months to continue the following operations related to DEMS relocation in markets where it currently holds 24 GHz DEMS licenses: (i) testing of various non-type accepted equipment for the 24 GHz DEMS band; and (ii) provision of commercial service to customers using non-type accepted equipment for the 24 GHz DEMS band until such equipment is type accepted. Grant of this STA serves the public interest by facilitating DEMS relocation to the 24 GHz band on an expedited basis, enabling Teligent to continue providing service to existing customers, and to continue marketing competitive local telecommunications services to other potential customers using its fixed wireless 24 GHz licenses. Currently, Teligent is aware of only one vendor that has type accepted point-to-point equipment for the 24 GHz band and there is no type accepted point-to-multipoint equipment for the 24 GHz DEMS band. Therefore, grant of this STA is needed as soon as practicable to facilitate the continued development of radio technique, equipment, operational data, and engineering data related to DEMS, as discussed further below.

I. BACKGROUND

Teligent holds licenses to construct and operate DEMS systems in the 24 GHz frequency band in more than 70 markets. A list of Teligent's DEMS licenses is attached hereto as Exhibit 1.

On March 14, 1997, pursuant to a request by the National Telecommunications and Information Administration ("NTIA") to alleviate potential interference between DEMS operations and U.S. government military satellite operations, the Commission adopted the *DEMS Relocation Order* relocating DEMS from the 18 GHz band to the 24 GHz band in order to accommodate these sensitive national security interests. The Commission also adopted amended service rules for 18 GHz and 24 GHz DEMS and directed the Wireless Telecommunications Bureau ("Wireless Bureau") to issue modified DEMS licenses authorizing operations in the 24 GHz band. To ensure the protection of government satellite operations, the Commission required incumbent DEMS licensees to cease operations using the 18 GHz band within a 150 kilometer area of the government's earth station facilities in Washington, D.C. and Denver, Colorado as of June 5, 1997, the effective date of the Commission's amended DEMS rules.³ In all other areas, incumbent DEMS licensees must cease operations using the 18 GHz band by January 1, 2001. The

³ *DEMS Relocation Order* at ¶ 14. Teligent has ceased 18 GHz operations and commenced 24 GHz point-to-point operations in these licensed areas.

Commission also requires coordination between DEMS systems and existing Federal Aviation Administration ("FAA") radio navigation radar facilities in the Washington, D.C. and Newark, New Jersey areas until such facilities are decommissioned.⁴

Although one vendor has obtained type acceptance for specific types of point-to-point DEMS equipment at 24 GHz, equipment suppliers are still in the process of obtaining type acceptance for both point-to-point and point-to-multipoint 24 GHz DEMS equipment. Therefore, Teligent will continue to need to use non-type accepted equipment to provide commercial service to customers, including customers in those areas where relocation of operations from the 18 GHz band to 24 GHz band was mandated by June 5, 1997, until the Commission grants type acceptance for all of the 24 GHz DEMS equipment which Teligent intends to deploy.

II. THE INSTANT REQUEST

Teligent seeks an additional six month STA for the following operations related to DEMS relocation in markets where Teligent currently is licensed. First, Teligent will test non-type accepted equipment to determine its viability for the 24 GHz DEMS band and all DEMS services areas and frequencies. Second, Teligent will provide commercial service to customers using non-type accepted equipment for the 24 GHz DEMS band. In accordance with the *DEMS Relocation Order*, Teligent will certify coordination with the FAA to ensure that its use of 24 GHz equipment does not cause any harmful interference.

In light of the extraordinary circumstances surrounding the mandatory relocation of DEMS from the 18 GHz band to the 24 GHz band on an expedited basis, grant of Teligent's STA request is clearly warranted under Section 101.31 of the Commission's Rules. It would be inefficient and costly for Teligent to deploy 18 GHz equipment that will have to be removed before the end of its useful life. Such a requirement would impose an unnecessary financial burden on Teligent as it transitions to 24 GHz. Moreover, in order to facilitate the transition to 24 GHz, Teligent must continue to conduct testing of the newly designed DEMS equipment in a variety of weather conditions and environments. In any event, it is Teligent's understanding that vendors are no longer pursuing type acceptance for point-to-multipoint radios in the 18 GHz band. Thus, Teligent's only option to deploy and test point-to-multipoint equipment is in the 24 GHz band.

⁴ *Id.* at ¶ 15.

The need for an additional STA is particularly compelling within the 150 kilometer area around Washington, D.C. and Denver, Colorado due to the fact that the 18 GHz band may not be used in these markets. Teligent is also providing commercial service to customers markets across the country⁵ and requires an STA to ensure that service to such customers can continue, using point-to-point and point-to-multipoint equipment. Moreover, 24 GHz equipment is currently available from manufacturers for deployment. Therefore, failure to grant this STA will prejudice the public interest which, according to Section 5.56, 5.57(a) and 5.202(i) of the Commission's rules, justifies expedited processing of an STA request.

The Commission recognized the "need to move DEMS as quickly and with as little impact as possible" in the *DEMS Relocation Order*.⁶ Grant of the instant STA request serves the public interest by facilitating the continued relocation of Teligent's DEMS operations to satisfy national security requirements. Specifically, the STA will enable Teligent to continue to serve customers at 24 GHz with point-to-multipoint equipment, rather than deploying point-to-point equipment for some interim period which will eventually need to be replaced. Furthermore, Teligent will be able to provide continued, or initiate new, service to its customers in the aforementioned and other markets during the transition from the 18 GHz band to the 24 GHz band. The STA also serves the public interest by allowing Teligent to test non-type accepted equipment in various real world environments where the equipment ultimately will be deployed commercially to determine whether it functions properly. This testing will foster a "quick" relocation to 24 GHz with "as little impact" to the public as possible, consistent with the Commission's goals set forth in the *DEMS Relocation Order*.

⁵ These markets include New York, New York; Los Angeles, California; Chicago, Illinois; Houston, Texas; Dallas-Fort Worth, Texas; San Francisco-Oakland, California; San Jose, Texas; Austin, Texas; San Antonio, Texas; Orlando, Florida; Miami, Florida; Jacksonville, Florida; and Tampa, Florida.

⁶ *Id.* at ¶ 12.

The following information is provided pursuant to Section 5.56(b) of the Commission's rules:

1) Address and Points of Communications:

Teligent, Inc.
8065 Leesburg Pike
Suite 400
Vienna, VA 22182
Contact: Terri Natoli

Operations will occur at various points and in various real-world environments.

2) Equipment:

24 GHz point-to-multipoint microwave equipment.

3) Frequencies Desired:

24.25-24.45 GHz and 25.05-25.25 GHz bands.

4) Transmit Power Output:

The equipment will operate at a maximum output of 1000 mW (+30 dBm).

5) Type of Emission:

The equipment tested will have a bandwidth of 12.5 MHz and the following types of transmission: D7W, G1D and DXW.

6) Overall Height of Antenna Structure Above Ground:

Teligent will transmit to and from receivers located on existing antenna structures and new structures. To the extent new structures are required, Teligent will obtain Federal Aviation Administration no-hazard determinations and satisfy related Commission obligations.

7) Type of Operation to be Conducted:

Transmission on various DEMS channels between DEMS nodal stations and customer sites.

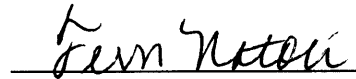
8) Purpose of Operation:

Teligent requires special temporary authority in order to (i) test non-type accepted equipment for the 24 GHz DEMS band and (ii) provide commercial service to customers using non-type accepted equipment for the 24 GHz DEMS band until such time as type accepted equipment is available.

Teligent certifies that no party to this application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

If you have any questions regarding this matter, please call Teligent's communications counsel, Jay L. Birnbaum, Esq., Skadden, Arps, Slate, Meagher & Flom, 1440 New York Avenue, N.W., Washington, D.C.; (202) 371-7288.

Sincerely,

A handwritten signature in dark ink, appearing to read "Terri Natoli", is written over a horizontal line.

Terri Natoli, Assistant Secretary and
Associate General Counsel

Teligent, Inc.

Teligent License Company I, L.L.C.

Teligent License Company II, L.L.C.

cc: Carl Huie

DEMS Licenses

<u>Market</u>	<u>Call Sign</u>
New York, NY	WMT307
New York, NY	WMT315
Los Angeles, CA	WMT337
Los Angeles, CA	WMT314
Chicago, IL	WMT332
Chicago, IL	WMT318
Philadelphia, PA	WMT339
Philadelphia, PA	WMT313
Detroit, MI	WPJD309
Detroit, MI	WPJD304
Dallas, TX	WMT331
Dallas, TX	WMT340
Houston, TX	WMT330
Houston, TX	WMT322
Washington, DC	WMT338
Washington, DC	WMT312
San Francisco, CA	WMT336
Boston, MA	WMT333
Boston, MA	WMT328
Atlanta, GA	WMT335
Atlanta, GA	WMT317
San Diego, CA	WMF844
Minneapolis, MN	WMT310
Minneapolis, MN	WMF845
St. Louis, MO	WMF846
St. Louis, MO	WMT324
Baltimore, MD	WMF850
Phoenix, AZ	WMF851
Phoenix, AZ	WMT309
Seattle, WA	WMF854
Seattle, WA	WMT323

DEMS Licenses

<u>Market</u>	<u>Call Sign</u>
Pittsburgh, PA	WMF852
Pittsburgh, PA	WMT319
Denver, CO	WMT329
Miami, FL	WMT334
Miami, FL	WMT327
Tampa, FL	WMT308
Tampa, FL	WMF849
Cleveland, OH	WPJD853
Cleveland, OH	WMT341
Portland, OR	WMT321
Portland, OR	WMF842
San Jose, CA	WPJC396
Cincinnati, OH	WMF847
Kansas City, MO	WMF848
Kansas City, MO	WMT325
Sacramento, CA	WMF843
Sacramento, CA	WMT320
Milwaukee, WI	WMT311
Milwaukee, WI	WMF840
San Antonio, TX	WPJC397
San Antonio, TX	WMT326
Indianapolis, IN	WMT316
Indianapolis, IN	WMF841
Columbus, OH	WMT342

DEMS Licenses

<u>Market</u>	<u>Call Sign</u>
Columbus, OH	WPNH318
Salt Lake City, UT	WPNH283
Orlando, FL	WPNH299
Buffalo, NY	WPNH315
New Orleans, LA	WPNH288
Hartford, CT	WPNH295
Nashville, TN	WPNH325
Norfolk, VA	WPNH284
Rochester, NY	WPNH316
Memphis, TN	WPNH323
Jacksonville, FL	WPNH298
Oklahoma City, OK	WPNH319
Greensboro, NC	WPNH306
Louisville, KY	WPNH302
West Palm Beach, FL	WPNH300
Las Vegas, NV	WPNH313
Birmingham, AL	WPNH289
Austin, TX	WPNH324
Honolulu, HI	WPNH301
Dayton, OH	WPNH314
Albany, NY	WPNH311
Charlotte, NC	WPNH305
Richmond, VA	WPNH286
Tulsa, OK	WPNH320
Raleigh, NC	WPNH307
Fresno, CA	WPNH291
Tucson, AZ	WPNH290
Allentown, PA	WPNH287
Ventura, CA	WPNH293
Syracuse, NY	WPNH317
Akron, OH	WPNH312

DEMS Licenses

<u>Market</u>	<u>Call Sign</u>
Greenville, SC	WPNH321
El Paso, TX	WPNH297
Omaha, NE	WPNH308
Wilmington, DE	WPNH309
Albuquerque, NM	WPNH310
Springfield, MA	WPNH304
Baton Rouge, LA	WPNH303
Charleston, SC	WPNH322
New Haven, CT	WPNH296
Stockton, CA	WPNH294
Newport News, VA	WPNG641
Santa Barbara, CA	WPNH292
Trenton, NJ	WPNH285
Los Angeles, LA	WMT306
San Francisco, CA	WMT348
New York, NY	WMT304