

XO Communications, Inc.
FCC Form 442
Question 7
December, 2004

By the attached application, XO Communications, Inc. ("XO") requests authorization, for a period of 24 months, to test point-to-multipoint equipment manufactured by Japan Radio Co. ("JRC") in the following four 30 MHz bands:

25270-2530 MHz
25300- 25330 MHz
26125-26155 MHz
26155-26185 MHz

Consistent with the provisions of Section 5.3(i) of the rules and regulations of the Federal Communications Commission ("FCC" or "Commission") by testing this equipment, XO will be able to determine if JRC's equipment may be successfully deployed in the spectrum available in the local multipoint distribution service ("LMDS"). XO also requests the ability to engage in limited market studies pursuant to Section 5.3(j) of the FCC's rules. To the extent that XO performs limited market studies, it will comply with the terms of Section 5.93 of the regulations.

As the Commission is aware, XO is one of the most significant holders of LMDS licenses in the country. XO is currently exploring various technologies to implement the LMDS systems for which it is authorized and the products that will permit implementation of those technologies. XO is particularly interested in evaluating point-to-multipoint equipment manufactured by JRC. Unfortunately, JRC does not produce the equipment that XO wishes to test in the spectrum designated for LMDS operations in the United States. However, it does produce point to multipoint equipment for use in other markets in, among others, the bands noted above. XO seeks to test this equipment in the northern California area for a period of 24 months. Assuming that XO's testing proves successful, it will work with JRC to produce equipment in the domestic LMDS bands. XO's proposed test will contribute to the radio art by assessing the possibility of using JRC's point to multipoint product design in the LMDS bands. Because of the use of point to point technologies in other bands, XO believes that its test will realistically contribute to the more rapid introduction of additional equipment for point to point operations in the LMDS spectrum. Use of JRC's or similar equipment in the LMDS spectrum will ultimately permit XO to offer a variety of services to carriers, enterprise customers and small businesses. Therefore, grant of this request is in the public interest.

As noted in the attached application, the facilities associated with this request will comprise of three base station or "hub" sites and 45 remote terminals. Both the hub and remote stations will operate with 25 milliwatts output power. The hub stations will operate with an omnidirectional antenna at the three sites in northern California listed on the application and with antenna gain, will produce an effective radiated power of 126 milliwatts. The remote stations will operate within five kilometers of each of the hub stations. They will employ directional flat panel antennas and will produce an effective radiated power of 40 watts.

XO recognizes that the spectrum for which it seeks authorization is allocated on a primary basis for Federal government operations. Consequently, XO is unable to assess whether this spectrum may be available for experimental operations. XO seeks authorization to operate in all of the bands noted above and in the associated form 442. However, if one or more of the desired bands is not available for experimental operations in the northern California area, XO requests experimental authorization for use of the remaining bands.

XO believes that the application is complete and asks that the application be processed expeditiously. Should there be any questions regarding the application, the FCC is asked to contact counsel for XO, Russell H. Fox, of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C at 202-434-7483 or rfox@mintz.com.