

**FHH Telecom Law**  
**January 2003**

**18 GHz Band Revisited -- Yet Again**

*By: Mitchell Lazarus*  
*703-812-0440*  
*lazarus@fhhlaw.com*

In a second reconsideration order, the FCC has further fine-tuned its division of the 17.7-19.7 GHz band between satellite and fixed microwave point-to-point users.

Originally the band was allocated coequally to fixed and satellite users, until the first Report and Order concluded the two could not share and divided most of the band between them. Satellite operations had not yet begun, but there were many fixed point-to-point users operating throughout the band. To protect them, the FCC required incoming satellite providers to pay the expenses of relocating incumbent users from the satellite portions of the band to the newly allocated point-to-point frequencies.

An earlier reconsideration order, late in 2001, adjusted those relocation payment rules, and some technical rules as well. A few weeks later, the U.S. Court of Appeals upheld the relocation payment rules over a satellite party's objections.

The FCC's new order grants another satellite party's request to reallocate one of the two remaining shared segments, 18.3-18.58 GHz, for exclusive satellite use. The displaced fixed microwave point-to-point users are mostly private cable operators (PCOs), which until recently were barred from most other spectrum suitable for carrying video. But in May 2002, the FCC opened the CARS bands, previously limited to franchised cable operators, to PCOs as well. With that spectrum now available, the FCC reasoned, the PCOs should be able to manage without 18.3-18.58 GHz.

The new order also permits blanket licensing of satellite receive stations in this band, along with the corresponding uplink facilities at 29.25-29.5 GHz.