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ORIGINAL
FILE

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APR 24 1992

Federal Communications Commission
Office of the Secretary

April 24, 1992

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Petition for Rulemaking of
Crescomm Transmission Services, Inc.
File No. PP-34 in RM-7912
AMH #1300

Dear Ms. Searcy:

There are submitted herewith an original and four copies of the Reply of Crescomm Transmission Services, Inc. for filing in File No. PP-34 in RM-7912. Should there be any question concerning this matter, please contact the undersigned.

Respectfully submitted,

Lloyd D. Young
Lloyd D. Young

LDY:kao
Enclosures

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

APR 24 1992

Federal Communications Commission
Office of the Secretary

| | | |
|----------------------------------|---|----------------|
| In the Matter of |) | |
| |) | |
| AMENDMENT ON PART 80 OF THE |) | File No. PP-34 |
| THE COMMISSION'S RULES |) | in RM-7912 |
| |) | |
| for an Allocation of Frequencies |) | |
| for Digital Shipboard |) | |
| Earth Stations |) | |
| To: The Commission | | |

REPLY OF CRESCOMM TRANSMISSION SERVICES, INC.

Crescomm Transmission Services, Inc. ("Crescomm"), by counsel and pursuant to Section 1.405(b) of the Commission's Rules, hereby replies to the comments of CruiseCom International, Inc., IDB Communications, Inc., Qualcomm, Incorporated and Leasing Dynamics, Inc. filed in the captioned proceeding.

1. Crescomm filed its Request for Pioneer Preference in conjunction with its Petition for Rule Making in File No. RM-7912, wherein its seeks a new rule or rules that will allow Digital Shipboard Earth Stations ("DSEs") to communicate on C-Band and Ku-Band frequencies with land based satellite earth stations. Those petitions described in some detail Crescomm's testing of DSEs on board ship at sea in several operations during the period 1985 to present, culminating in the installation and use of them on certain ships engaged in cruise line operations.

2. Qualcomm, Incorporated ("Qualcomm"), IDB Communications Group, Inc. ("IDB"), and Leasing Dynamics, Inc. ("LDI") argue that a Pioneer Preference should not

be granted to Crescomm, asserting, essentially, that no innovation is involved. This argument is without merit, because it ignores the factual record made in Crescomm's Request.

3. There Crescomm demonstrated that the DSES unit it has had developed will operate on board ships at sea and provide high speed digital communication links to land based earth stations on C-Band and Ku-Band frequencies. These tests also demonstrated that such DSES units can be operated in that manner without harmful interference either to other land based stations or to nearby orbiting satellite stations.

4. Qualcomm, IDB and LDI do not dispute any of the factual showings that Crescomm has presented, and indeed, they cannot. Nor do they make any attempt to show that any party other than Crescomm has here-to-fore successfully tested or operated DSESs on C-Band and Ku-Band frequencies from at-sea locations on shipboard.^{1/} However, Crescomm has now done so, has brought the development of its DSES units to commercial operation, and now seeks new rules for an allocation of frequencies that will permit such operations on a regularly licensed basis, obviating the current need to resort to Experimental Licenses which are not adaptable to the support of regular commercial services.

^{1/}LDI references the current use of stabilized earth stations on shipboard operating in the L-Band in the Marisat/INMARSAT environment as constituting a technically mature technique. The Marisat/INMARSAT environment does not involve the host of C-Band and Ku-Band Fixed and Temporary-Fixed earth stations located all around the country as does the operation of DSESs proposed by Crescomm.

5. The innovation is there. Qualcomm, IDB and LDI simply refuse to acknowledge it, and their oppositions to Crescomm's Request for Pioneer Preference must be denied.

6. CruiseCom International, Inc. ("CruiseCom") does not oppose grant of a Pioneer Preference to Crescomm^{2/}. Rather, it requests a Pioneer Preference for itself. However, any preference granted to CruiseCom should not be based on the information presented with the Application of CruiseCom International for a Pioneer Preference and Support for Rulemaking, dated April 10, 1992, because that application fails to show that CruiseCom has as yet either tested, developed, or implemented a DSES.

7. At best, CruiseCom has shown only that whatever testing, etc., it proposes to do may occur sometime in the future. For that reason, CruiseCom's request for a pioneer preference with respect to the licenses of DSEs should be dismissed or denied as premature.

8. LDI and CruisePhone, Inc. do not oppose the grant of a Pioneer Preference to Crescomm. However, they express a concern that Crescomm not be granted a DSES monopoly through that Pioneer Preference. LDI's assumption that Crescomm is seeking a nationwide monopoly through its request for a Pioneer Preference is misplaced. Crescomm has requested a Pioneer Preference that is consistent with ¶¶ 53 and 54 of the Commission's Report and Order, released May 13, 1991^{3/} in this proceeding. There the

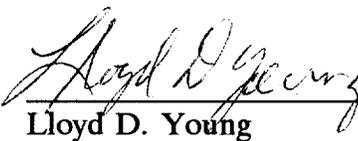
^{2/}CruiseCom does support the initiation of rulemaking looking toward regular licensing of DSEs for communication with land-based earth stations.

^{3/}See Report and Order, Gen. Docket No. 90-217, 6 FCC Rcd 3488, 3494-95 (1991).

Commission stated that the area selected will depend on how the area of operation will be defined under the rules that may ultimately be adopted. Crescomm has proposed an area of operation be defined as consisting of the footprint of satellite systems operating with Fixed and Temporary Fixed earth stations. In making this request, Crescomm is fully aware of the Commission's determination that grant of a Pioneer Preference should not guarantee the pioneer a service monopoly (See Report and Order, at ¶ 34), and Crescomm seeks no such monopoly.

Respectfully submitted,

CRESCOMM TRANSMISSION SERVICES, INC.

By:  _____
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Its Attorney

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April 24, 1992

CERTIFICATE OF SERVICE

I, Kelly A. O'Donnell, a secretary with the law firm of Allen, Moline & Harold, have caused to be served this 24th day of April, 1992 by first class mail, postage prepaid, a copy of the foregoing **REPLY OF CRESCOMM TRANSMISSION SERVICES, INC.** on the following:

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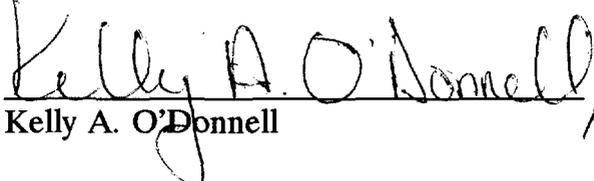
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