

part, 7 FCC Rcd 1808 (1992) ("Pioneer's Preference Recon. Order"), further recon. pending. See also TRW Opposition at 4-6. It also stated that even nationwide preferences will not generally be granted, absent a clear showing that such a preference is warranted. Pioneer's Preference Order, 6 FCC Rcd at 3495. See also TRW Opposition at 6.

Motorola's Iridium system is inherently incompatible with any of the other applicants (including TRW) that seek also to use frequencies that include the portion of the 1610-1626.5 MHz band requested by Motorola. Thus, grant of a pioneer's preference to Motorola would -- assuming Motorola could somehow be found basically qualified to be a licensee -- guarantee Motorola a license to operate a nationwide, monopoly system in that band, and require the denial of all of the competing applicants. Motorola's preference request seriously undercuts the policy on which the pioneer's preference procedure is based, and thus cannot be granted. See TRW Opposition at 6-8.

In addition, TRW showed that Motorola failed to demonstrate that its "Iridium proposal possesses the characteristics required for a preference, that its efforts were significant in developing the technology utilized, or even that all of the elements incorporated in its application are technologically feasible." Id. at 9. TRW went on to demonstrate the defects in the various claims made by

Motorola. Id. at 9-16.^{18/} The showings TRW made there apply with continued vigor today.

Finally, TRW demonstrated that the pioneer's preference procedure itself, if applied to guarantee one of the mutually exclusive applicants in the instant proceeding a license, would violate Section 309 of the Communications Act and the decision of the United States Supreme Court in Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945). See TRW Opposition at 17-21. The dangers described there, and in TRW's subsequent Motion for Stay of the pioneer's preference aspect of the rulemaking proceeding in ET Docket No. 92-28, remain real, and weigh strongly against the grant of a preference to Motorola here.

^{18/} On the "technical feasibility" criterion, TRW notes that there is an inherent conflict between comments made by Motorola in its Supplement, and comments it made in opposition to TRW's Petition to Deny its application for an experimental license to construct, launch, and operate seven Iridium satellites. In the Supplement, Motorola claims to have demonstrated that the Iridium system concept is technically feasible. Supplement at 10. In the experimental licensing proceeding, Motorola claimed that its proposed experiments are critical to establishing "the viability of its system design." See Motorola Opposition to Petition to Deny, File Nos. 2303-EX-PL-91, et seq., at 5 (filed March 18, 1992). Since nothing in the Supplement or other late-filed comment material operates to demonstrate the technical feasibility of the Iridium proposal, Motorola must, as it claimed in the experimental proceeding, still be relying on its as-yet uninitiated experimental program to determine if this objective can be achieved.

All of the arguments TRW presented in opposition to Motorola's request for pioneer's preference remain valid. The Commission should, for the reasons previously stated by TRW, deny Motorola's request.

CONCLUSION

On the basis of the foregoing, TRW urges the Commission to conclude that the late-filed comment information submitted by Motorola adds nothing of substance to Motorola's pending pioneer's preference request. The Commission should thus deny Motorola's request for the reasons stated in TRW's April 8, 1992 Opposition.

Respectfully submitted,

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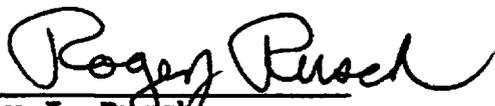
June 12, 1992

Its Attorneys

TECHNICAL CERTIFICATE

I, Roger Rusch, hereby certify that I am the technically qualified person responsible for the technical information contained in the foregoing Reply Comments of TRW Inc. Under the penalty of perjury, the technical information presented is complete and accurate to the best of my knowledge.

Dated this 12th of June 1992

By: 
Roger J. Rusch
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CERTIFICATE OF SERVICE

I, Katharine K. Bryant, hereby certify that a copy of the foregoing "Reply Comments of TRW Inc. on Late-Filed Comment Information of Motorola Satellite Communications, Inc. (Redacted Version)" was served by first-class mail, postage prepaid, this 12th day of June 1992, on the following persons:

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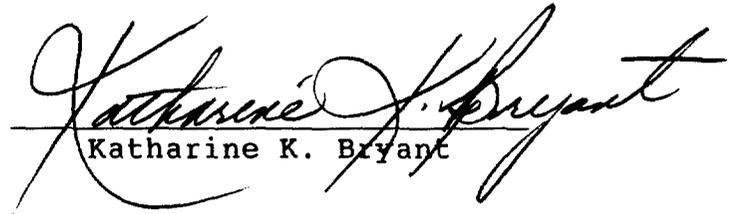
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