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Federal Communications Commission
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FILE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of	)	
	)	
Constellation Communications, Inc.	)	RM-7771
	)	
Amendment of Parts 2 and 25 of the Commission's Rules to Implement LEO Satellite Systems in the RDSS Bands and Grant a Pioneer's Preference	)	
	)	
Petition of TRW Inc. for Amendment of Sections 2.106 and 25.141 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, Satellite Systems in the RDSS Bands	)	RM-7773
	)	
Petition for Rulemaking of Ellipsat Corporation to Amend Sections 2.106, 25.141 and 25.201 of the Commission's Rules	)	RM-7805
	)	
Petition of American Mobile Satellite Corporation for Amendment of Parts 2, 22 and 25 of the Commission's Rules to Allocate Spectrum for the Mobile Satellite Service	)	RM-7806

COMMENTS OF
COMMUNICATIONS SATELLITE CORPORATION

Communications Satellite Corporation ("COMSAT") hereby submits the following comments on the above-referenced petitions concerning proposed amendments to the Commission Rules to allocate certain radiofrequency spectrum to the Mobile

Satellite Service ("MSS") and to establish other rules and policies pertaining to satellite systems in these bands.[1/]

COMSAT supports a comprehensive rulemaking proceeding and considers it the best way to expedite service and treat the broad range of interrelated issues raised by the numerous applications filed with the Commission for Low Earth Orbit (LEO) and Geostationary (GSO) satellite systems proposing to provide Mobile-Satellite Service ("MSS") and Radiodetermination Satellite Service ("RDSS") in the 1610-1626.5 MHz, 2483.5-2500 MHz, 1515-1525 MHz, and for feeder links in several higher frequency bands.[2/] Regarding allocations for MSS, we note that

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1/ By public notice dated August 13, 1991, the Commission provided interested parties the opportunity to comment on the above-referenced Petitions; Constellation Communications, Inc. ("Constellation") filed on June 3, 1991 (RM-7771), and TRW, Inc. ("TRW") filed on July 8, 1991 (RM-7773). On September 13, 1991, the Commission placed on public notice the Petitions of American Mobile Satellite Corporation ("AMSC") filed on June 3, 1991, (RM-7806), and Ellipsat Corporation ("Ellipsat") filed on July 29, 1991, (RM-7805). Also on September 13, 1991, the Commission granted Loral's request to extend the comment period on RM-7771 and RM-7773 until October 16, 1991 so that interested parties could comment on all four of these related Petitions at the same time.

2/ The Motorola "Iridium" system application (File Nos. 9-DSS-P-1 (87) and CSS-91-010) and the Ellipsat "Ellipso I" system application (File No. 11-DSS-P-91(6)) have gone through the Comment and Reply Comment stages. However, the Commission has not yet placed on public notice for comment the other applications filed pursuant to the Commission's cut-off procedure established for such additional applications in Report No. DS-1068, DA-91-407, released April 1, 1991. We understand that the Common Carrier Bureau may seek comments on these applications filed by AMSC, Constellation, Ellipsat,

(Footnote continued on next page)

the Commission has already concluded that the United States should recommend to the 1992 World Administrative Radio Conference (WARC-92) that MSS (Earth-to-space) be added as a co-equal primary allocation to the RDSS bands at 1610-1626.5 and 2483.5-2500 MHz on a worldwide basis; and, that a secondary allocation should be made for MSS (space-to-Earth) in the 1613.8-1626.5 MHz segment to permit a possible bi-directional use of the band.[3/] In the WARC-92 proceeding, the Commission did not propose to allocate the band 1515-1525 MHz to the MSS service. Consistent with COMSAT's comments in the WARC-92 proceeding this band is a particularly attractive band for MSS as a downlink extension, and we also noted that Canada's preliminary WARC-92 proposals advocate adding MSS to this band.

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Loral and TRW at any time. In COMSAT's comments filed June 3, 1991, on the Iridium and Ellipso I applications, we described in some detail why a comprehensive rulemaking is required in our view, and how such a rulemaking would provide a vehicle to expeditiously deal with all the issues. It would be time consuming and inefficient to attempt to resolve issues and take actions on applications in a processing and licensing proceeding where the ground rules have not been established, and we cited in our June 3, 1991, comments several examples of similar cases in the past where the Commission conducted such a comprehensive rulemaking.

3/ WARC-92 Report GEN Docket No. 89-554 (released June 20, 1991); and United States Proposals for the 1992 World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum, Department of State, July 1991, Washington, D.C. p. 5 (U.S. Proposals to WARC-92).

After many months of study, pleadings, debate and assessment, the Commission decided not to recommend inclusion of MSS in the 1515-1525 MHz band and the U.S. Proposals to WARC-92 do not propose any changes to this band. Based on these recent decisions, and the fact that the U.S. Proposals have been sent to other Administrations, it is difficult to understand why the Commission would consider reopening these issues of allocation for MSS at the very time that the government and the private sector are engaged in intense preparations to advocate and support the U.S. Proposals for WARC-92. Such actions would be disruptive at the very least, as the interested parties would be taking time to re-argue issues in a domestic forum while developing firm positions to support the U.S. Proposals to WARC-92 which do not propose MSS in the 1515-1525 MHz band. From COMSAT's perspective it would be in the interests of all the parties concerned to postpone the rulemaking on allocations until after the WARC-92 conference when the Commission traditionally undertakes domestic rulemaking to reflect appropriate decisions taken at WARC Conferences in the Commission Rules.

Meanwhile, and in order to expedite actions on the pending applications, we believe that a comprehensive rulemaking to address the service and licensing aspects of the various proposals would be the most efficient and timely process to consider these applications. In this instance we

believe that progress can be made in establishing Commission guidelines on the technical and operational flexibility possible within the proposed bands (consistent with the U.S. Proposals to WARC-92) and resolve what appears to be numerous and possibly conflicting differences among the applicants' proposed use of these bands. Also, the Commission could establish guidelines to address the various policy and service related issues raised by COMSAT and other parties commenting on the Iridium and Ellipsat applications.[4/] By doing so, the Commission could be in a position to act expeditiously on the relevant applications following the WARC-92 Conference when the disposition of the U.S. Proposals to WARC-92 will be known and when domestic allocation rulemaking should be straightforward and timely.

As pointed out above, it is the wrong time in our view for an allocations rulemaking. On the other hand, the subject Petitions and the various comments filed on the Iridium and Ellipso I applications raise substantial issues, well beyond strictly allocation issues, that the Commission could address now in a comprehensive manner. Attempting to deal with these issues while processing the applications could prove to be

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4/ See Comments of Communications Satellite Corporation regarding the Application of Motorola Satellite Communications, Inc. File Nos. 9-DSS-P-1(87) and CSS-91-010 and the Application of Ellipsat Corporation File No. 11-DSS-P-91(6). COMSAT requests that these Comments be incorporated in the subject proceeding by reference.

difficult and even if the Commission attempted to follow this course, it may nonetheless find it necessary at some later date to institute a rulemaking on the service and licensing issues. We believe it would be far more conducive to orderly decisionmaking to institute the broader rulemaking now, and initiate the domestic allocations rulemaking after WARC-92.

Whether or not the Commission agrees with our suggested approach, we submit that it would be extremely helpful and productive if the Commission would describe at an early date the process that it proposes to follow in processing the current group of applications. To clearly know which issues are being addressed in which proceeding would help interested parties organize their responses and speed the Commission processes. If the Commission plans to conduct a limited rulemaking addressing allocation issues only, and then at a later time, or at the same time, seek comments on the remaining applications to be considered together with comments already filed on the Iridium and Ellipso applications, it would be helpful to know this now. On the other hand, if the Commission envisions separate rulemakings, one on the allocations issues, one on the application service issues and

possibly another on the requests for pioneer's preference,[5/] it would be helpful to plan now for that course of action. We recognize and appreciate the difficulties of projecting ahead and identifying the "right" course of action to meet the Commission's priorities and to best utilize its limited resources and staff. In this case it could well be in everyone's interest for the Commission to set forth its expected procedural course of action and reduce what could otherwise be unnecessary steps.

Conclusion

For the reasons stated above, COMSAT does not favor a limited rulemaking that would address only issues of spectrum allocation for Mobile-Satellite Service. COMSAT supports a comprehensive rulemaking to address the full scope of issues raised by the Iridium and Ellipso I applications and by the additional applications filed by TRW, Constellation, Loral, AMSC, and Ellipsat which have not been placed on public notice for comment, but were filed by the June 3, 1991, cut-off date set by the Commission.

5/ Under newly adopted Section 1.402 of the Commission's Rules, 47 C.F.R. §1.402, applicants seeking the pioneer's preference must submit, inter alia, a petition for rulemaking requesting either an allocation of new spectrum for a new service or a rule amendment to permit use of a new technology. It is not clear when the Commission would institute such a rulemaking since we understand that the September 13, 1991 Public Notice does not seek comments on the requests for pioneer's preference.

We request that the Commission set forth its procedural course of action on these matters at an early date.

Respectfully submitted,

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October 16, 1991

CERTIFICATE OF SERVICE

I, Cheryl L. Schneider, hereby certify that the foregoing "Comments" was served by first-class mail, postage prepaid, this 16th day of October, 1991 on the following persons:

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