

ORIGINAL



Nancy J. Thompson  
General Attorney

EX PARTE OR LATE FILED

22300 COMSAT Drive  
Clarksburg, MD 20871  
Telephone 301 428 2268  
Fax 301 601 5945  
Telex 197800

DOCKET FILE COPY ORIGINAL

November 30, 1993

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RECEIVED  
NOV 30 1993  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

EX PARTE PRESENTATION

Re: Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to Mobile-Satellite Service and Radio Determination Satellite Service in the 1610-1626.5 MHz and 2483.5-2500 MHz Bands, CC Docket No. 92-166; and

Amendment of Section 2.106 of the Commission's Rules to Allocate the 1610-1626.5 MHz and the 2483.5-2500 MHz Bands for Use by Mobile Satellite Service, Including Non-Geostationary Satellites, ET Docket No. 92-28

Dear Mr. Caton:

COMSAT Mobile Communications ("CMC"), a division of COMSAT Corporation, pursuant to Section 1.1206 of the Commissions Rules, hereby submits two copies of CMC's response to the "Jointly Filed Comments" of Motorola Satellite Communications, Inc. and Loral Qualcomm Satellite Services, Inc. ("MSCI/LQSS Joint Comments") filed on October 7, 1993, and the "Joint Spectrum Sharing Proposal" of Constellation Communications, Inc., Ellipsat Corporation and TRW Inc. ("CCI/EC/TRW Joint Comments") filed on October 8, 1993, in the above-referenced proceeding.

Respectfully Submitted,

Nancy J. Thompson

COMSAT MOBILE COMMUNICATIONS

22300 COMSAT Drive  
Clarksburg, MD 20871  
(301) 428-2268

cc: All parties on the attached Service List

No. of Copies rec'd  
List A B C D E

*CHS*

November 30, 1993

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to Mobile-Satellite Service and Radio Determination Satellite Service in the 1610-1626.5 MHz and 2483.5-2500 MHz Bands, CC Docket No. 92-166; and

Amendment of Section 2.106 of the Commission's Rules to Allocate the 1610-1626.5 MHz and the 2483.5-2500 MHz Bands for Use by Mobile Satellite Service, Including Non-Geostationary Satellites, ET Docket No. 92-28

Dear Mr. Caton:

COMSAT Mobile Communications ("CMC"), a division of COMSAT Corporation, submits the following brief response to the "Jointly Filed Comments" of Motorola Satellite Communications, Inc. and Loral Qualcomm Satellite Services, Inc. ("MSCI/LQSS Joint Comments") filed on October 7, 1993, and the "Joint Spectrum Sharing Proposal" of Constellation Communications, Inc., Ellipsat Corporation and TRW Inc. ("CCI/EC/TRW Joint Comments") filed on October 8, 1993, in the above-referenced proceeding. As the U.S. Signatory to the International Maritime Satellite Organization ("Inmarsat"), CMC has an interest in the underlying proceeding and stands to be affected by the spectrum sharing proposals advanced in the two Joint Comments.<sup>1</sup>

CMC participated, at the Commission's invitation, in the negotiations of the MSS Above 1 GHz Negotiated Rulemaking Committee (the "Committee") which was convened to provide recommendations for the formulation of rules governing the provision of mobile satellite service ("MSS")/radio determination satellite service ("RDSS") in the 1610-1626.6 MHz and 2483.5-2500 MHz frequency bands. COMSAT fully supported the Committee's efforts to devise an intraservice sharing proposal for the MSS/RDSS frequency bands which would resolve issues of mutual

---

<sup>1</sup>Pursuant to Section 1.405 of the Commission's Rules, CMC hereby requests the leave of the Commission to file the instant response. See 47 U.S.C. § 1.405.

Mr. William F. Caton  
November 30, 1993  
Page 2

RECEIVED  
NOV 30 1993  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

exclusivity among the non-geostationary satellite applicants and between the applicants and existing and proposed geostationary satellite systems.<sup>2</sup> Although the Committee was unsuccessful in its efforts to find a solution acceptable to all parties, the Commission now has the benefit of the considerable work done by the Committee on possible arrangements to share these frequency bands.

CMC is concerned that the spectrum sharing arrangements proposed in the two Joint Comments seek, in both cases, to limit entry to the MSS/RDSS bands solely to current applicants that intend to operate non-geostationary satellites. See MSC/LQSS Joint Comments at 8-9; CCI/EC/TRW Joint Comments at 9. CMC is not presently an applicant for the MSS/RDSS band and does not intend at this time to file for these bands. CMC notes, however, that Inmarsat has made an advance publication for the MSS/RDSS bands at the International Radio Frequency Bureau as a possible future spectrum resource for its proposed Inmarsat-P service. Thus, CMC may be obligated to file for the MSS/RDSS band at a future date and the Commission, consistent with its Inmarsat obligations, should not preclude this filing possibility by restricting eligibility for the MSS/RDSS bands.

As CMC stated in the Emerging Technologies proceeding, CMC would prefer that the prospective Inmarsat-P service utilize spectrum in the 2 GHz frequency band.<sup>3</sup> To that end, CMC requested that the Commission initiate a proceeding to modify the National Table of Frequency Allocations to implement the 2 GHz MSS allocations adopted at the 1992 World Administrative Radio Conference ("WARC-92"). Although the Commission has yet to initiate such a proceeding, CMC has continued its efforts on the international front to implement global satellite-based personal communications services ("PCS") in the 2 GHz band.<sup>4</sup>

---

<sup>2</sup>See Report of the MSS Above 1 GHz Negotiated Rulemaking Committee, at 4, April 6, 1993.

<sup>3</sup>See Comments of Communications Satellite Corporation, ET Docket No. 92-9, June 5, 1992.

<sup>4</sup>The Commission's recent decision in the PCS docket, which allocates 20 MHz of the 2 GHz international MSS downlink band (e.g. 2180-2200 MHz) to terrestrial PCS, further complicates efforts to establish a global MSS/PCS system at 2 GHz. See Amendment of the Commission's Rules to Establish New Personal Communications Services (Second Report and Order), Gen. Docket No. 90-314, released October 22, 1993.

Mr. William F. Caton  
November 30, 1993  
Page 3

Most recently at the 1993 World Radiocommunication Conference ("WRC-93"), the United States and other countries advanced proposals that culminated in a Recommendation that Administrations cooperate in coordination consultations for 2 GHz MSS networks under Resolution No. 46 adopted at WARC-92, even though the 2 GHz MSS global allocations do not presently become available until the year 2005. In addition, the WRC-93 recommended that the agenda for the 1995 World Radiocommunication Conference ("WRC-95") include a review of the year 2005 availability date for the 2 GHz MSS global allocation. Our expectation is that the WRC-95 will bring this date forward, so that global MSS systems could become operational in these bands before the year 2000 and, thereby, relieve pressure on the present L-band and MSS/RDSS frequency bands.

Until the Commission proceeds with implementation of the WARC-92 international MSS allocations and it is clear that spectrum will be available in the 2 GHz band before the end of this century, the highly congested L-band and the MSS/RDSS bands are the only spectrum resource available for introduction of the Inmarsat-P service. Accordingly, CMC requests that the Commission not foreclose the option, as requested in two Joint Comments, of entertaining other applications for the MSS/RDSS bands.

Respectfully Submitted,



Nancy J. Thompson

COMSAT MOBILE COMMUNICATIONS

22300 COMSAT Drive  
Clarksburg, MD 20871  
(301) 428-2268

CERTIFICATE OF SERVICE

I, Pamela L. Sonnevile, hereby certify that the foregoing Letter was served by first-class mail, postage prepaid, this 30th day of November, 1993, on the following persons:

- \* Chairman James H. Quello  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554
  
- \* Commissioner Andrew C. Barrett  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554
  
- \* Commissioner Ervin S. Duggan  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554
  
- \* Thomas P. Stanley  
Chief Engineer  
Federal Communications Commission  
2025 M Street, N.W., Room 7002  
Washington, D.C. 20554
  
- \* Raymond LaForge  
Federal Communications Commission  
2025 M Street, N.W., Room 7334  
Washington, D.C. 20554
  
- \* Kathleen B. Levitz  
Acting Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 500  
Washington, D.C. 20554
  
- \* Gerald P. Vaughan  
Deputy Bureau Chief (Operations)  
Federal Communications Commission  
1919 M Street, N.W., Room 500  
Washington, D.C. 20554
  
- \* Wendell R. Harris  
Assistant Bureau Chief  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 534  
Washington, D.C. 20554

- \* James R. Keegan  
Chief, Domestic Facilities Division  
Common Carrier Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 6010  
Washington, D.C. 20554
  
- \* Thomas Tycz  
Deputy Chief, Domestic Facilities Division  
Common Carrier Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 6010  
Washington, D.C. 20554
  
- \* Cecily C. Holiday  
Chief, Satellite Radio Branch  
Federal Communications Commission  
2025 M Street, N.W., Room 6324  
Washington, D.C. 20554
  
- \* Fern J. Jarmulnek  
Satellite Radio Branch  
Federal Communications Commission  
2025 M Street, N.W., Room 6324  
Washington, D.C. 20554
  
- \* James Ball  
Associate Director  
Office of International Communications  
Federal Communications Commission  
1919 M Street, N.W., Room 658  
Washington, D.C. 20554

Mr. Richard C. Beaird  
Senior Deputy U.S. Coordinator  
and Director  
Bureau of International Communications  
and Information Policy  
Department of State  
2201 C Street, N.W., Room 6313  
Washington, D.C. 20520

Mr. Michael Fitch  
Deputy U.S. Coordinator and Director  
Bureau of International Communications  
and Information Policy  
Department of State  
2201 C Street, N.W., Room 6313  
Washington, D.C. 20520

Mr. Lawrence Irving  
Assistant Secretary for Communications  
and Information  
NTIA  
U.S. Department of Commerce  
14th & Constitution Ave., N.W., Room 4898  
Washington, D.C. 20230

Ms. Jean Prewitt  
Associate Administrator  
NTIA/OIA  
U.S. Department of Commerce  
14th & Constitution Ave., N.W., Room 4720  
Washington, D.C. 20230

Mr. Jack A. Gleason  
Division Director  
NTIA/OIA  
U.S. Department of Commerce  
14th & Constitution Ave., N.W., Room 4701  
Washington, D.C. 20230

Richard D. Parlow  
Associate Administrator  
Office of Spectrum Management  
NTIA  
U.S. Department of Commerce  
14th & Constitution Ave., N.W.  
Washington, D.C. 20230

William Hatch  
NTIA  
U.S. Department of Commerce  
14th & Constitution Ave., N.W., Room 4096  
Washington, D.C. 20230

Richard Barth  
Director  
Office of Radio Frequency Management  
National Oceanic and Atmospheric  
Administration  
U.S. Department of Commerce  
Federal Office Bldg. 4, Room 3332  
Washington, D.C. 20233

Mr. Craig Moll  
Telecommunications Policy Specialist  
NTIA/OIA  
U.S. Department of Commerce  
14th & Constitution Ave., N.W., Room 4701  
Washington, D.C. 20230

Bruce D. Jacobs, Esquire  
Glenn S. Richards, Esquire  
Fisher, Wayland, Cooper & Leader  
1255 23rd Street, N.W., Suite 800  
Washington, D.C. 20037  
(Counsel for AMSC)

Lon C. Levin  
Vice President  
American Mobile Satellite Corporation  
10802 Parkridge Boulevard  
Reston, VA 22091

Robert A. Mazer, Esquire  
Albert Shuldiner, Esquire  
Nixon, Hargrave, Devans & Doyle  
One Thomas Circle, N.W., Suite 800  
Washington, D.C. 20005  
(Counsel for Constellation)

Norman R. Leventhall, Esquire  
Raul R. Rodriguez, Esquire  
Stephen D. Baruch, Esquire  
Leventhal, Senter & Lerman  
2000 K Street, N.W., Suite 600  
Washington, D.C. 20006-1809  
(Counsel for TRW, Inc.)

Jill Stern, Esquire  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, N.W., Second Floor  
Washington, D.C. 20037  
(Counsel for Ellipsat)

Gerald Hellman  
Vice President  
Policy and International Programs  
Mobile Communications Holdings, Inc.  
1120 19th Street, N.W.  
Washington, D.C. 20036

Victor J. Toth, P.C.  
Law Offices  
2719 Soapstone Drive  
Reston, VA 22091  
(Counsel for Celsat, Inc.)

Dr. Robert L. Riemer  
Committee on Radio Frequencies  
HA-562  
National Research Council  
2101 Constitution Avenue, N.W.  
Washington, D.C. 20418

Richard G. Gould  
Telecommunications Systems  
1629 K Street, N.W., Suite 600  
Washington, D.C. 20006

John L. Bartlett  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
(Counsel for ARINC/ATA)

Gary M. Epstein  
James F. Rogers  
Kevin C. Boyle  
Latham & Watkins  
1001 Pennsylvania Avenue, N.W., Suite 1300  
Washington, D.C. 20004  
(Counsel for Hughes Aircraft)

Edward R. Adelson  
Vice President  
Industry Activities  
Aeronautical Radio, Inc.  
2551 Riva Road  
Annapolis, MD 21401-7465

Abdul Tahir  
Director, GPS Development  
Litton Systems, Inc.  
6101 Condor Drive  
Moorpark, CA 93021

Linda C. Sadler  
Manager, Government Affairs  
Rockwell International Corporation  
1745 Jefferson Davis Highway  
Arlington, VA 22202

Guy M. Gooch  
Director, Systems Engineering  
Mobile Communications Satellite Systems  
Rockwell International Corporation  
400 Collins Road, N.E.  
Cedar Rapids, IA 52498

Paul J. Sinderbrand, Esquire  
Dawn G. Alexander, Esquire  
Sinderbrand & Alexander  
888 16th Street, N.W., Suite 610  
Washington, D.C. 20006-4103  
(Counsel for Wireless Cable  
Association International, Inc.)

Robert A. Frazier  
Spectrum Engineering and Planning  
Division - ASM-500  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

B. E. Morriss  
Deputy Manager  
National Communications System  
Washington, D.C. 20305-2010

R. A. Davis  
Vice President, Engineering  
Boeing Commercial Airplane Group  
P.O. Box 3703, MS GR-UT  
Seattle, WA 98124-2207

David Struba  
NASA Headquarters  
Code OI  
Washington, D.C. 20546

William K. Keane, Esquire  
Winston & Strawn  
1400 L Street, N.W.  
Washington, D.C. 20005  
(Counsel for AFTRCC)

Jeffrey L. Sheldon  
General Counsel  
Utilities Telecommunications Council  
1140 Connecticut Avenue, N.W., Suite 1140  
Washington, D.C. 20036

Arun Bhumitra  
Vice President  
ARJAY Telecommunications  
20669 Hawthorne Boulevard  
Torrance, CA 90503

M. Worstell  
Vice President, Contracts  
Litton Aero Products  
6101 Condor Drive  
Moorpark, CA 93021

J. Ellis McSparran  
3S Navigation  
23141 Plaza Pointe Drive  
Laguna Hills, CA 92653

Thomas Trimmer  
U.S. Army  
Hoffman II  
200 Stovall Street, Room 9S65  
Alexandria, VA 22332

E. William Henry  
Henry M. Rivera  
Ginsburg, Feldman and Bress Chartered  
1250 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(Counsel for RDSS Inc.)

Bruce L. Bucklin  
Acting Chief  
Technical Operations Section  
Drug Enforcement Administration  
U.S. Department of Justice  
Washington, D.C. 20537

Terri B. Natoli  
Regulatory and Industry Relations  
Manager  
GTE Spacenet  
1700 Old Meadow Road  
McLean VA 22102

Tedson J. Myers  
Reid & Priest  
701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(Counsel for AfriSpace, Inc.)

*Pamela L. Sonnevile*  
Pamela L. Sonnevile

\*Delivery by hand.