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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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JAN 13 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

90-314

In the Matter of	)	
	)	
Amendment of the Commission's Rules to Establish New Personal Communications Services	)	GEN Docket No. 90-314
	)	
	)	

REPLY OF AMSC SUBSIDIARY CORPORATION

AMSC Subsidiary Corporation ("AMSC"), pursuant to Section 1.429(g) of the Commission's Rules, hereby replies to issues raised in opposition to its Petition for Reconsideration of the Second Report and Order, 58 Fed. Reg. 59174 (November 8, 1993) ("PCS Order") in the above-captioned proceeding. AMSC and others requested that the Commission preserve for MSS the 2180-2200 MHz block of spectrum that was allocated worldwide for the new service at the 1992 World Administrative Radio Conference ("WARC-92").[1/] AMSC noted that the United States was the leading advocate for additional MSS allocations at WARC-92, including the allocation at 2180-2200 MHz, and it would be inconsistent with its international obligations not to make the spectrum available domestically. AMSC also noted that an adequate allocation to satellite PCS is necessary to serve the millions of people that live or travel in rural and remote areas of the United States that will not be served by terrestrial PCS.

1/ Comsat Corporation and TRW, Inc. also filed petitions for reconsideration requesting that the Commission reserve the 2180-2200 MHz band for MSS.

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Several parties that expect to be involved in the provision of terrestrial PCS services oppose AMSC's petition.[2/] They argue that the Commission already has allocated adequate spectrum to MSS and that terrestrial PCS would be compromised if any spectrum were taken away.[3/]

None of the commenters even attempt to address the evidence presented in AMSC's Petition for Reconsideration. In particular, none provide any evidence that MSS does not require the new allocations agreed upon at WARC-92 or that a satellite PCS component is needed to ensure that the benefits of new personal communications services are made available to all people, even those living or working outside of urban or suburban areas. The current domestic MSS allocations are simply inadequate to meet the demand for the new service, particularly since this spectrum must be coordinated internationally with other countries operating MSS systems in the same frequencies.

Furthermore, no commenter attempts to address the issue of the United States' obligations to the ITU, or the policy reversal evinced by the PCS allocation. AMSC agrees with Comsat that the

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2/ The following parties filed oppositions which addressed, in part, AMSC's Petition for Reconsideration: the American Petroleum Institute, the Association of American Railroads, Bell Atlantic Personal Communications, Inc., MCI Telecommunications Corporation, Sprint Corporation, and Utilities Telecommunications Council.

3/ Association of American Railroads and Utilities Telecommunications Council also raise issues that are being addressed in a separate proceeding, wherein AMSC has asked the Commission to reconsider its rules for the relocation of existing users from the 2 GHz bands to higher frequencies. See Reply of AMSC Subsidiary Corporation, ET Docket No. 92-9, November 22, 1993.

PCS Order "nullifies the successful efforts of the U.S. Delegation at WARC-92" and sends a "negative message to the international community that the United States cannot be relied upon to pursue international allocations that the U.S. Government advocated and which were negotiated in good faith."[4/] Thus, the Commission's PCS Order makes it likely that the U.S. credibility at future World Radio Conferences ("WRC") will be questioned.

Inevitably, preserving the 2180-2200 MHz band for MSS will have some impact on PCS. The Commission must, however, balance the interests of both services. Since PCS is new, there is more flexibility for changing the PCS allocation now. In particular, it is highly unlikely that terrestrial PCS equipment has been developed for operation in the 2180-2200 MHz band. In contrast, there is not even the possibility of new, worldwide MSS allocations before the 1995 WRC. The construction and launch of an MSS system is a high-risk, capital-intensive project that will be significantly less appealing to investors without the necessary domestic allocations.[5/]

4/ Comsat at 5.

5/ Id. at 10.

Conclusion

AMSC has filed a Petition which demonstrates the need for an MSS allocation at 2180-2200 MHz for a PCS satellite component. PCS is a new service that can be reaccommodated in other frequencies. Accordingly, the Commission should reconsider its PCS allocation at 2180-2200 MHz.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Leslie Anne Byers, a secretary in the law firm of Fisher, Wayland, Cooper & Leader, do hereby certify that on this 13th day of January, 1994 I caused the foregoing "**REPLY OF AMSC SUBSIDIARY CORPORATION**" to be served by First Class U.S. Mail, postage prepaid, upon the following persons:

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