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September 9, 1994

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, DC 20554

RE: CC Docket No. 92-166 EX PARTE PRESENTATION

Dear Mr. Caton:

Pursuant to Section 1.1206 of the Commission's Rules [47 C.F.R. § 1.206], I hereby notify the Commission that copies of the attached letter dated September 7, 1994, from Loral/QUALCOMM Partnership, L.P., Mobile Communications Holdings, Inc. and Constellation Communications, Inc., to Mr. Richard Parlow, Associate Administrator for Spectrum Management, NTIA, were delivered to the Commission personnel identified on the next page.

Two copies of this letter and the attachments are being provided for inclusion in the above-referenced docket.

Respectfully submitted,

William D. Wallace

Attachments

No. of Copies rec'd 0+2
List ABCDE

cc: Chairman Reed E. Hundt
Commissioner James H. Quello
Commissioner Andrew Barrett
Commissioner Susan Ness
Commissioner Rachelle Chong
Rudy Baca
Karen Brinkman
Scott Harris
Cecily Holiday
Fern Jarmulnek
Jane Mago
Byron Marchant
David Siddall
Tom Tycz

September 7, 1994

cc: Mr. Gerald Markey, FAA

Mr. Richard Parlow
Associate Administrator/Spectrum Management
National Telecommunications & Information Administration (NTIA)
Room 4099, 14th & Constitution Ave., N.W.
Washington, D.C. 20230

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Mr. Parlow:

As you are aware, the FCC is currently developing the Report and Order, in CC Docket 92-166, that will become the basis for granting licenses to the proposed Low Earth Orbit Satellite (LEOS) systems for mobile communications around the world. These systems will use the spectrum at L- and S-band frequencies (1610-1626.5 MHz and 2483.5-2500 MHz respectively) for communications between the satellite and user terminals (handsets). These frequencies were allocated to LEOS-based mobile satellite service (MSS) at WARC-92, at the request of the U.S. Administration. However, no specific frequencies have yet been allocated for the satellite-to-gateway links (also known as the feeder link). This allocation is expected to take place at WRC-95

It has been amply demonstrated that wireless technology will play a major role in revolutionizing the global information infrastructure, and satellite-based wireless systems like the LEOS/MSS systems will contribute significantly towards that objective. They will also contribute significantly towards economic growth and U.S. leadership in satellite communications. It is in the national interest to provide adequate spectrum resources to the LEOS/MSS systems.

Several MSS/LEO systems were proposed for licensing even before the WARC-92 meeting. Preparations for WRC-95 in the feeder link area are now underway. The U.S. has supported the position that the allocations must include spectrum below 15 GHz. Three systems, GLOBALSTAR, ELLIPSO, and CONSTELLATION, have proposed to use spectrum at C-band frequencies for feeder links.

In particular, because of its current and anticipated light use, these three systems and several administrations around the world have proposed the 5000-5250 MHz band (referred to as the 5 GHz band), which is currently allocated to the Aeronautical Radio Navigation Service (ARNS), as a candidate for co-primary LEO/MSS feeder uplinks. The use of 5 GHz spectrum for MSS feeder links is feasible because of the flexibility available in implementing the MSS gateways, which would allow protection of aviation use. The proposed three systems in the U.S. require just a few gateways in the U.S. Further, there is considerable flexibility in locating these feeder link stations, which may be sited in remote locations well away from MLS equipped airports.

The FAA and other civil aviation authorities are currently using a part of the 5 GHz band to implement Microwave Landing Systems (MLS) around the world at civilian airports, but usage is light. Current design and equipment specifications are based on using 200 MLS channels in the 5031-5091 MHz band. We are aware that ICAO has approved additional 200 MLS channels up to 5150 MHz after the year 2015. We are also aware that the FAA has indicated certain long term plans, that are yet unfunded, to implement certain data and radar systems in the unused part of the 5 GHz band. However, it is also well known that other more reliable technologies (for example; GPS, WAAS (Wide Area Augmentation Systems)) are being considered for landing applications in lieu of MLS.

Nobody can question the importance of assuring accuracy, integrity, availability, and continuity of performance in the MLS systems, where they are in use, so that they can continue to fulfill their safety-of-life mission. We believe MSS gateways can share the 5 GHz band with ARNS without compromising the performance of the 5 GHz ARNS systems, including MLS. The LEO/MSS operators using the 5 GHz band for gateway uplinks will coordinate with the aviation industry operating the MLS sites so that the feeder link stations will not cause interference to the MLS sites in operation. Effort will be made by the three operators to coordinate and locate the gateways in such a way that the number of coordination locations with the MLS sites is minimized. All of this is possible due to the limited number of gateways that are required. These coordination conditions can be codified by the FCC and enforced during the licensing process for individual gateways. Each administration around the world will have similar control on licensing the gateways.

We will be happy to work with the NTIA and the FAA in developing satisfactory sharing criteria that we can jointly submit to the FCC. It is our belief that such sharing is not only feasible but desirable. We have already submitted data on sharing feasibility to your office and also to the FAA Spectrum Management personnel, and will continue to share our information.

As has become increasingly evident, dedicated spectrum for new services is hard to come by. Considerable blocks of spectrum were allocated to a variety of services at a time when spectrum shortage was not an issue, and therefore, sharing consideration were unnecessary. It has become essential to enforce 'meaningful sharing' of spectrum among services. We believe that this is the case in the 5 GHz band between ARNS and LEO/MSS. The U.S. will gain credibility as a responsible user of valuable spectrum resource by advocating sharing of the 5 GHz band.

Our concern now is to implement the groundwork for this sharing plan as soon as possible. The FCC, in its Report and Order, must take a definitive position on the 5 GHz band. It will help the LEOS/MSS business and send firm signals to the international community about the U.S. intentions in advance of WRC-95. But the FCC can only take such action with formal communications from the NTIA and the FAA to the FCC indicating support for sharing in the 5 GHz band. Details of sharing can be jointly worked out in the near-future between LEOS/MSS interests and the FAA and submitted to the FCC for incorporation into the LEOS/MSS service rules.

Accordingly, we respectfully request that the NTIA formally submit to the FCC its support for MSS/ARNS sharing in the 5000 to 5250 MHz band, subject to coordination between ARNS and MSS systems. We assume NTIA may want to coordinate this position with the FAA.

We hope that by the prompt and successful development of a 5 GHz ARNS/MSS sharing plan, we can together show worldwide leadership in resolving this matter.

Sincerely,

Jay Ramasastry
Loral/Qualcomm Partnership, L.P.

Ron Lepkowski
Constellation Communications, Inc

Mobile Communications Holding, Inc.

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Sincerely,

Ronald J Hupkemeier

Loral/Qualcomm Partnership, L.P.

Constellation Communications, Inc

Mobile Communications Holding, Inc.