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Federal Communications
Commission (FCC)
Washington D.C. 20554
USA

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Your Ref: ET Docket
No : 95-18

Subject: Notice of Proposed
Rule Making to allocate
spectrum at 2 GHz
for use by MSS

Date : 2 March 1995

DOCKET FILE COPY ORIGINAL

Dear Sir,

"Joint Project Team CEPT-ERC/ECTRA on MSS issues" is a newly established CEPT project team to deal with MSS related issues particularly with Satellite Personal Communication Services. FCC's Notice of Proposed Rule Making, released on January 31, 1995, was dealt with by the JPT and enclosed you will find the results of the discussions in the group.

These comments are provided on behalf of the 40 CEPT Member Administrations.

Kind Regards



Fatih Yurdal
Chairman
CEPT-JPT ERC/ECTRA MSS

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NOTICE OF PROPOSED RULE MAKING

ET Docket No. 95-18

Adopted: January 30, 1995

Released: January 31, 1995

Rules to Allocate Spectrum at 2 GHz for use by the Mobile-Satellite Service

INTRODUCTION

Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, the CEPT is grateful for the opportunity to file comments on the proposed rule making for the allocation of the spectrum at 2 GHz for the use by the Mobile-Satellite Service.

These comments are a collation of the views and comments received from CEPT administrations and the European Commission. Although there has been insufficient time to consult each CEPT administration on the exact contents of this filing, the comments can be taken as a reflection of the views of the 40 CEPT administrations.

BACKGROUND

Although it was the intention of the 1992 World Administrative Radio Conference (WARC-92) to make available a world-wide allocation for the introduction of mobile-satellite services at 2 GHz, the result, after fairly contentious negotiations during WARC-92, was that not only were the allocations in Region 2 different to those in Regions 1 and 3, but more significantly, that the date of entry into force of the allocations in the United States is nine years prior to the entry into force of the world-wide bands.

We are pleased to note the stated desire, both in this notice of proposed rule making, and in the draft US proposals to the next World Radiocommunications Conference (WRC-95) in IC Docket No. 94-31, to introduce universal and eventually world-wide services in these bands.

The background to the CEPT comments in this filing is, therefore, the CEPT objective of achieving an even playing field for the introduction of competitive mobile-satellite services in the 2 GHz bands that can provide global services as from the earliest feasible common date. The CEPT, therefore, expects to propose to WRC-95 the adoption of the 1 January 2000 as the common date for the world-wide entry into force date for these 2 GHz bands.

COMMENTS

The CEPT is consequently concerned that the allocation of the band 1850-1990 MHz to terrestrial broadband personal communications services (PCS) in the United States overlaps the lower of the 2 GHz band allocations as agreed at WARC-92, and the consequent draft proposal to WRC-95 to change this allocation to 1985-2025 MHz. The CEPT is, however, studying the feasibility of this proposal in the European countries, recognising that it may give the opportunity for WRC-95 to agree common world-wide allocations to be made available by a common date.

Of the various options for the domestic allocation of spectrum discussed in the notice of proposed rule making, that given in paragraph 15 would appear to offer the best potential to reach such an agreement at WRC-95.

In paragraph 16, comments are requested on a number of technical and sharing issues which have been the subject of considerable discussion in the ITU preparations for WRC-95. These discussions have resulted in a large degree of concensus, and we expect that next month's Conference Preparatory Meeting will make recommendations to WRC-95 which would be mutually satisfactory for all interests. We would be concerned, therefore, if the United States were at this stage to impose national requirements which differed from those agreed in ITU. This would not be conducive to the introduction of world-wide services.

For similar reasons, we are concerned with the proposal in paragraph 17 for competitive bidding for MSS licences in the proposed bands. We consider that national competitive bidding for access to internationally agreed bands allocated for a world-wide service is at least contrary to the spirit of the ITU Constitution. If such action were to be repeated in other countries throughout the world, it would seriously jeopardise the commercial feasibility of the new MSS networks and consequently the realisation of truly global services.

We also note reference to "qualified applicants" for licenses for segments of the bands. There is no indication as to the criteria for qualifying for application, however, the CEPT would be concerned if it were the intention to restrict applications based on the nationality of the ownership or registered office of the applicant. In particular, we would wish to see the possibility of including European applicants for such licenses on this basis.



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