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Douglas G. Dwyre
President

September 7, 1995

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The Honorable Reed E. Hundt
Chairman, Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Redesignation of the 27.5-29.5 GHz Frequency Band and Reallocation of the 29.5-30.0 GHz Frequency Band, CC Docket No. 92-297

Dear Chairman Hundt:

Loral/QUALCOMM Partnership, L. P. ("LQP") filed comments in the above-referenced proceeding on August 28, 1995, the original due date for such comments. As the comment period has been extended, I would like to take this opportunity to emphasize the concern of LQP, the licensee of the GLOBALSTAR "Big LEO" system, concerning possible Commission action in this proceeding prior to the conclusion of the 1995 World Radiocommunication Conference ("WRC-95"), scheduled for October 23-November 17.

The 28 GHz proceeding involves accommodating Local Multipoint Distribution Service (LMDS), Fixed-Satellite Service (FSS), both GSO and non-GSO, and feeder links for certain mobile satellite service (MSS) systems, through a band segmentation plan requiring redesignation of the 27.5-29.5 GHz band and reallocation of the 29.5-30.0 GHz spectrum.¹ As the Commission has recognized, however, U.S. proposals to WRC-95² need to be adopted to facilitate implementation of the band segmentation plan. "...[A]doption of different provisions at the WRC-95 could affect the ability to implement the plan." Third Notice, at para. 66.

¹ Third Notice of Proposed Rulemaking and Supplemental Tentative Decision, CC Docket No. 92-297, FCC 95-287, released July 28, 1995, ("Third Notice"), at paras. 1, 15-16 and 44.

² Those proposals involve use of Ka-band (28 GHz), Ku-band, and C-band (5/7 GHz) for MSS feeder links, as well as other matters.

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It is for this reason that I am writing to you. If the WRC-95 does not accept the U.S. proposals for use of the 28 GHz spectrum, the 5/7 GHz spectrum, and all other bands, two extremely undesirable consequences would occur: (1) the 28 GHz band segmentation plan would be ineffective to accommodate the Commission's proposed multiple uses of the spectrum; and (2) there would not be adequate feeder link spectrum for the three U.S. licensed Big LEO MSS systems (or for any future systems). If either of these outcomes were to occur, the Commission's 28 GHz band segmentation plan would have to be revised almost completely and new methods devised to find feeder link spectrum, because "[w]ithout these feeder links, an MSS system would be useless."³

For these reasons, LQP believes it is critical that the Commission defer action in the 28 GHz proceeding until the conclusion of WRC-95. Such deferral is necessary to ascertain which frequency bands will be allocated, on an international basis, for non-GSO MSS feeder links, and thus, which frequency bands will be available for use by the global Big LEO systems, and for the other uses of the 28 GHz spectrum proposed by the Commission.

While I am obviously most concerned with MSS feeder links, let me first say a word about the 28 GHz band uses. The Commission has labored for several years to accommodate uses of the 28 GHz band, including conducting a Negotiated Rulemaking Committee Proceeding.⁴ It has now proposed a band segmentation plan premised on multiple uses of the 28 GHz band and on feeder link spectrum for "two systems."⁵ If the WRC-95 does not adopt a position consistent with the U.S. feeder link proposals, there would not be sufficient feeder link spectrum for global MSS. An essential element of the Commission's plan to accommodate LMDS, FSS (both GSO and non-GSO) and MSS feeder links in the 28 GHz band would be undone. This change would have negative impacts on LMDS and FSS, as well as on MSS. For example, were an LMDS auction to have been held, or that process initiated, prior to completion of WRC-95,

³ Establishment of a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, 9 FCC Rcd 5936 (1994) ("Big LEO Order"), at para. 163.

⁴ Third Notice, at paras. 13-15. The Commission determined that a Negotiated Rulemaking Committee should be established in the Second Notice of Proposed Rulemaking, 9 FCC Rcd 1394 (1994).

⁵ Third Notice, at para. 59.

it might well have to be halted or redone. Further, industry investment in LMDS or other systems, including satellite services, might be made useless, were actions at WRC-95 to require a revised U.S. spectrum plan.

Let me turn now to the potential impact of actions at WRC-95 with regard to U.S. proposals for feeder link allocations. In its WRC-95 Report, the Commission states that "obtaining spectrum for NGSO MSS feeder links is critical for initiating Big LEO services."⁶ Indeed, the Commission, working with industry as well as other U.S. government agencies, has expended enormous efforts in establishing the technical bases for non-GSO MSS feeder link allocations since the WARC-92 allocation of service links for Big LEOs. LQP appreciates the extraordinary efforts of the Commission in securing a United States proposal to WRC-95 which, if adopted, would accommodate the GLOBALSTAR feeder links in the 5/7 GHz band.

What actions the WRC-95 will take with regard to allocations at 5/7 GHz, however, as well as with regard to the U.S. proposals for NGSO MSS feeder links in other frequency bands, including the 28 GHz band, are unknown. If the WRC-95 were not to act favorably with regard to substantially all of the U.S. feeder link proposals, there would in all likelihood be a need for the Commission to revisit the question of feeder link assignments for all the Big LEO licensees and applicants.

Having to redo feeder link allocations, assignments or processing guidelines as a result of WRC-95 actions could delay or even preclude the implementation of the systems which the Commission has worked so diligently to promote. In addition to the three licensed Big LEO systems, three other applications remain pending. The Commission has stated that it would not grant unconditional licenses to Big LEO systems until either domestic allocations sufficient to support all Big LEO systems "regardless of frequency band" are available, or the completion of WRC-95, assuming sufficient spectrum is made available "to satisfy these feeder link requirements."⁷ And, as noted, this availability cannot be ascertained until after WRC-95.⁸

⁶ Preparation for International Telecommunication Union World Radiocommunication Conferences, ("WRC-95 Report"), IC Docket No. 94-31, FCC 95-256, released June 15, 1995, at para. 47. See also, Third Notice, at para. 25 ("without this link, Big LEO systems will not be able to initiate service.")

⁷ Big LEO Order, at para. 95.

⁸ See also, Third Notice, at n. 18.

Delay of Big LEO system operation is not in the public interest. The Commission believes Big LEO systems "will create a new industry providing enormous economic benefit to the United States, and any other country that chooses to participate in the service."⁹ The Commission has repeatedly noted the critical importance of Big LEO systems in implementing both the U.S. and global information infrastructure.¹⁰

For these reasons, LQP urges the Commission to defer action in the 28 GHz proceeding until it can consider the outcome of WRC-95. Deferring action for this short period of time would not delay initiation of any of the contemplated services. (WRC-95 will commence on October 23 and conclude November 17; final comments in CC Docket 92-297 are not due until September 28, so it is unlikely a decision in the matter could be reached prior to commencement of WRC-95). Indeed, such deferral might also eliminate waste of Commission resources (revisiting allocations, reholding or revising auctions), and lead to more advantageous auction bids (since after WRC-95, uncertainty as to spectrum usage would be eliminated), as well as, ultimately, speedier initiation of LMDS, FSS and Big LEO services.

If, however, the Commission were to reach decisions in the 28 GHz proceeding prior to completion of WRC-95, LQP strongly urges that any such decisions be expressly conditioned on (1) the outcome of WRC-95 and (2) the availability of sufficient feeder link spectrum to accommodate Big LEO systems. This approach would at least give notice to potential 28 GHz band users that the proposed band segmentation plan was conditional, give the Commission flexibility to make appropriate changes, if necessary, and maintain consistency with the Commission's pledge in its Big LEO Report that it would not "foreclose...options by assigning spectrum unconditionally."¹¹

In closing, let me emphasize three points: (1) as the Commission recognizes, feeder link spectrum is essential to initiation of all Big LEO service; (2) what WRC-95 does will affect availability of feeder link spectrum; and (3) therefore, Commission action in the 28 GHz proceeding should be deferred until the conclusion of WRC-95 or be conditioned on the outcome of that conference.

⁹ Big LEO Order, at para. 1.

¹⁰ Id.

¹¹ Big LEO Report, at para. 166.

With best regards,



Douglas Dwyre
President
Loral/QUALCOMM Partnership, L.P.

cc:

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The Honorable Andrew Barrett
The Honorable Rachelle Chong
The Honorable Susan Ness
Scott Harris, Chief, International Bureau
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Parties of Record

Certificate of Service

I, Andrew F. Taylor, hereby certify that the forgoing "Letter" was served by first-class mail, postage prepaid, this 7th day of September, 1995, on the following persons:

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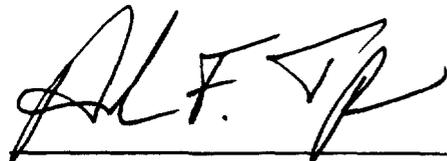
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A handwritten signature in black ink, appearing to read 'A.F. Taylor', written over a horizontal line.

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