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**FEDERAL COMMUNICATIONS COMMISSION
INTERNATIONAL BUREAU**

Satellite and Radiocommunication Division
Satellite Policy Branch

To: Mr. William F. Caton, Acting Secretary
Date: January 29, 1996
From: Jennifer M. Gilsenan *j.m.g.*
Re: CC Docket No. 92-297

RECEIVED

JAN 29 1996

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

On January 25, 1996 the International Bureau convened a meeting with the participants listed in Attachment A to this memorandum. The participants discussed issues related to the submission of Appendix 3 material to the International Telecommunications Union for Geostationary Orbit Fixed Satellite Service systems in the 20/30 GHz band. The attached document and a request from one of the parties to hold the status conference, *see* Letter from Raymond G. Bender (Counsel, Lockheed Martin) to Scott Blake Harris, dated January 11, 1996, formed a basis for discussion.

I am forwarding this material for inclusion in the record of CC Docket No. 92-297, and treatment to the extent necessary as an ex parte presentation in a non-restricted proceeding.

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Attachment A

January 25, 1996

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MIKE HOKSTEIN	TRW	310 812-2603	310 814-1422
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Albert Shulciner	Vinson + Elkins for Netsat 28	202-639-6722	202-639-6604
PHILIP MALET	STEPHOTE + SCHWAB FOR MOTOROLA	202-371-6893	202-842-3578
David Carroll	Motorola	602 732-4918	602 732-2305
Steve Coran	Rini, Coran + Lauerbach for Kasar	202/296-2007	202/429-0551
YOUNG LEE	ORION	301-258-3310	301-258-3319
Julian Shepard	Verner Lipton for Orion	202-371-6111	202-371-6279
Don Goldberg	Stephote + Schwab for Motorola	202 416-4912	202 416-4912

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January 24, 1996

Scott B. Harris, Esq.
Chief
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

Re: Appendix 3 Filings in Ka Band
Geostationary Orbit Satellite System Applicants

Dear Mr. Harris:

On January 11, 1996, Lockheed Martin Corporation and AT&T Corporation filed letters requesting the International Bureau of the Federal Communications Commission ("FCC" or "Commission") to convene a status conference among the applicants for geostationary orbit ("GSO") satellite systems in the 17.7 - 30.0 GHz band ("the Ka Band") to address orbital assignments to be specified in Appendix 3 materials for the applicants. While Teledesic Corporation does not object to the filing of Appendix 3 materials for each proposed Ka band GSO applicant, it is imperative that the FCC "coordinate" domestically the international scope of U.S.-proposed satellite systems before it takes those systems to other administrations for coordination. The FCC must ensure that the proposed international uses are consistent with the proposed domestic Ka Band Segmentation Plan ("Band Plan") and must only advance Appendix 3 materials that conform with that Plan. See Rulemaking to Amend Parts 1, 21 and 25 of the Commission's Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band, to Reallocate the 27.5 - 30.0 GHz Band, to Establish Rules and Policies for Local Multipoint Distribution Services and the Fixed Satellite Service, FCC 95-287 (1995); see also Final Acts of the World Radiocommunication Conference (Geneva, 1995).

The United States should only advance in Appendix 3 materials technical specifications for GSO satellite systems that it intends to coordinate internationally. Thus, the Appendix 3 materials proposed for each GSO satellite system applicant in the Ka band should reflect the actual frequencies and orbital assignments each applicant intends to deploy. Before the United States can coordinate these GSO satellite systems with other administrations,

Scott B. Harris, Esq.

January 24, 1996

Page 2

however, it must first "coordinate" these systems domestically. In so doing, the United States must reconcile the international operations of U.S. proposed systems into a viable, technically consistent set of needs that it will advance into coordination with those other administrations. The United States must advance in Appendix 3 filings for GSO satellite applications only technically compatible uses of the Ka band that conform with the Band Plan. Thus, no Appendix 3 submitted by the United States for any GSO satellite applicant should specify internationally technically irreconcilable proposals for use of any part of the 18.8 - 19.3 GHz and 28.6 - 29.1 GHz bands (collectively referred to as the "NGSO Band Segment").

If the FCC were to permit an applicant for a global satellite system to enter into international coordination and seek to operate internationally in frequency bands that conflict with the domestic Band Plan, such action could effectively preclude the worldwide implementation of other global GSO and NGSO satellite systems authorized by the FCC. For example, to the extent that a NGSO satellite system has its service area curtailed by the co-frequency operation of a GSO satellite system, the economic feasibility of the global NGSO satellite system will be adversely affected. Therefore, if a satellite system is able to operate internationally in frequency bands that are inconsistent with the Band Plan, competition in the provision of global satellite service will be diminished. Hence, the FCC must only permit applicants for global satellite systems in the Ka band to enter into coordination outside the United States in a manner that is consistent with the Band Plan. To allow satellite systems operating in the Ka band to seek to operate in spectrum that is in conflict with the Band Plan would undercut the band segmentation scheme adopted by the FCC and would be contrary to the public interest. See 47 U.S.C. § 307(a). Accordingly, the FCC must only advance Appendix 3 materials that conform with the Band Plan.

Sincerely,



Tom W. Davidson, P.C.
Jennifer A. Manner, Esq.

Counsel for Teledesic Corporation

cc: See Attached list.

Scott B. Harris, Esq.

January 24, 1996

Page 3

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Stephen E. Coran, Counsel for KaStar Satellite
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Henry Goldberg, Counsel for PanAmSat Corporation

Stephen L. Goodman, Counsel for AT&T Corporation

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