



**LESLIE
TAYLOR
ASSOCIATES**

ORIGINAL

6800 Carlynn Court
Bethesda, MD USA 20817-4302
301/229-9341
Fax: 301/229-3148
Internet: ltaylor@lta.com

August 12, 1996

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M St., NW, Room 222
Washington, D.C. 20554

RECEIVED

AUG 12 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: RM No. 8837

Dear Mr. Caton:

Enclosed for filing are an original and five (5) copies of Primosphere Limited Partnership's comments on the Petition of DSC Communications Corporation in Rulemaking No. 8837.

Please direct any questions regarding this filing to the undersigned.

Sincerely,

Guy T. Christiansen

Enclosures

025

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

AUG 12 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Petition of DSC Communications)
Corporation for Allocation of Radio)
Spectrum in the 2 GHz Band for the)
Provision of Wireless Fixed Access)
Local Loop Services)

RM No. 8837

To: The Commission

Comments of Primosphere Limited Partnership

Primosphere Limited Partnership (Primosphere), by its attorneys, hereby submits its comments in the above-captioned proceeding. Primosphere is an applicant in the Satellite Digital Audio Radio Service (SDARS). Licensees in this service will operate their subscriber links in the 2310 - 2360 MHz band.

In its Petition, DSC Communications Corporation (DSC), proposes several possible bands for allocation to a new Wireless Fixed Access Local Loop (WFA-LL) Service. Among these bands proposed for allocation by DSC is the 2310 - 2360 MHz band.¹ Although DSC recognizes that this spectrum is allocated to SDARS, it notes that "it is unclear if the total 50 MHz will be granted."²

¹ DSC Communications Corporation Petition for Rulemaking (DSC Petition) at 28.

² Id.

Primosphere opposes any consideration of the 2310 - 2360 MHz band for allocation to services other than SDARS. The SDARS proceeding is still pending and no decision has been made regarding the amount of spectrum that will be available for licensing to SDARS applicants.³ DSC provides no basis for its assertion that less than the full 50 MHz of SDARS spectrum will be licensed to the Satellite Digital Audio Radio Service. In fact, there has been no official indication that anything less than the entire 2310 - 2350 MHz band will be licensed to SDARS applicants.⁴

Primosphere submitted a detailed analysis in the SDARS proceeding of the coordination environment with regard to U.S. satellite digital audio radio systems and fixed and aeronautical mobile telemetry systems licensed in Canada. This analysis supports the ongoing claims of Primosphere and other SDARS applicants that coordination with Canada *does not* require the Commission to reserve SDARS spectrum to facilitate coordination. The study indicates that the coordination environment is quite manageable compared to the typical coordination experience and concludes that the full 50 MHz band could be coordinated without significant difficulty.⁵ Filings of two other SDARS applicants support this assertion.⁶

³ See generally, IB Docket No. 95-91.

⁴ See Report & Order, 10 FCC Rcd 2309 (1995) (allocating full 2310 - 2360 MHz band to SDARS). Although the Commission requested comment on whether some spectrum might be held in reserve to facilitate coordination with Canada (Notice of Proposed Rulemaking, 11 FCC Rcd 1 (1995) at ¶ 66), the only comments received which responded to this concern indicated that it was not necessary to withhold spectrum to facilitate coordination with Canada. See Comments of Primosphere in Docket 95-91 at 17, Comments of CD Radio at 12.

⁵ See Letter from Guy T. Christiansen to William F. Caton dated April 23, 1996.

⁶ See Letter from Antoinette Cook Bush (DSBC) to William F. Caton dated May 2, 1996 at 6; Letter from Robert D. Briskman (CD Radio) to William F.

It would be wholly inappropriate for the Commission to consider re-allocating SDARS spectrum before the rulemaking proceeding establishing licensing rules for that service has been completed. Any determination of the availability of SDARS spectrum must be made within the SDARS proceeding and must be based on comments received in that proceeding.

In addition, an allocation of the 2310 - 2360 MHz band to the new service proposed by DSC would require a change in the international allocation tables. Currently, this band is allocated to the Broadcasting Satellite Service (sound) within the United States.⁷ Use of this spectrum for WFA-LL Service would be inconsistent with the international allocation for this band.

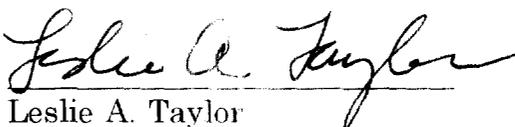
Caton dated March 22, 1996.

⁷ ITU Radio Regulations, RR8-117 note 750B.

For the foregoing reasons, Primosphere opposes the consideration of the 2310 - 2360 MHz band for allocation to the proposed Wireless Fixed Access Local Loop Service at this time.⁸

Respectfully submitted,

PRIMOSPHERE LIMITED PARTNERSHIP

By: 
Leslie A. Taylor
Guy T. Christiansen
Leslie Taylor Associates
6800 Carlynn Court
Bethesda, MD 20817-4302
(301) 229-9341

Howard M. Liberman
Robert Ungar
Arter & Hadden
1801 K Street, N.W.
Suite 400K
Washington, D.C. 20006
(202) 775-7100

Its Attorneys

August 12, 1996

⁸ Primosphere does not take a position regarding the other bands proposed by DSC.