

Original

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Establishing Rules and Policies for the)
Use of Spectrum for Mobile Satellite)
Service in the Upper and Lower L-band)

IB Docket No. 96-132

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To: The Commission

COMMENTS OF COMSAT CORPORATION

COMSAT Corporation, through its COMSAT International Communications division ("COMSAT"), submits these comments on the Commission's Notice of Proposed Rulemaking ("NPRM") in this proceeding.¹

COMSAT welcomes this opportunity to assist the Commission in devising policies that will promote a more competitive market structure for provision of mobile satellite services ("MSS") in the L-band, both domestically and internationally. In the NPRM, the Commission proposes to assign to AMSC up to 28 MHz of L-band spectrum designated for use by U.S.-licensed MSS systems as part of the ongoing intersystem L-Band coordination process.²

COMSAT supports this proposal, which recognizes that the amount of L-band spectrum ultimately allocated to U.S.-licensed MSS systems will depend on the outcome of the existing

¹ *Notice of Proposed Rulemaking*, IB Docket No. 96-132, released June 18, 1996 (NPRM). See also *Letter to Lon C. Levin from Thomas S. Tycz, FCC (IB Docket 96-132)*, September 6, 1996 (granting extension of time until September 17, 1996 to file comments).

² The FCC proposes specifically to assign 14 MHz for Earth-to-space transmissions and 14 MHz for space-to-Earth transmissions from the "internationally coordinated" spectrum in the L-band to AMSC. If the U.S. is able to "coordinate more than 28 MHz of spectrum in the L-band," then the FCC proposes to allow other MSS licensees to apply for assignment of those frequencies. *NPRM* at para 1.

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intersystem L-band coordination process.³

The NPRM acknowledges that the ongoing technical coordination of L-band spectrum between the United States (representing the interests of AMSC), Canada, Mexico, the Russian Federation, and Inmarsat is a fundamental requirement of the ITU rules governing international spectrum allocations.⁴ The purpose of the coordination is to ensure that the operations of the respective licensed geostationary MSS systems -- all of which provide service in the vicinity of North America -- are free of interference.⁵

Given the paramount obligation to coordinate spectrum internationally, it follows that the FCC should not attempt by this rulemaking to limit consumer choices in the U.S. through displacement of existing L-band intersystem operators, including Inmarsat. The proper forum in which to address the amount of L-band spectrum available to Inmarsat, or to other non-U.S. licensed L-band systems, is the intersystem coordination process.

In that regard, COMSAT notes that the U.S., Canada, Mexico, Inmarsat and the Russian Federation recently concluded a landmark agreement in Mexico City which paves the way for the five L-band system operators to complete a series of annual operating agreements and assign frequency segments for each system to use without causing harmful interference.⁶ The interim

³ *E.g.*, NPRM at para. 7 (stating that "[U.S.] satellite authorizations are conditioned on the outcome of the [international] coordination process).

⁴ *See id.*, note 23.

⁵ Frequency reuse between the five L-band systems is not possible where their respective beams overlap and where low directivity mobile antennas are employed. Thus, the intersystem coordination is essentially a band segmentation process.

⁶ Pursuant to the Mexico City accord, Inmarsat has made available 4 MHz of spectrum in the upper L-band at 1551-1555 MHz/1652.5-1656.5 MHz for access by AMSC to

agreement for intersystem coordination at L-band has two principal elements: (1) an allocation of the available spectrum among the five MSS systems for the period through the end of 1997, and (2) an agreement that spectrum sharing for future periods will be based largely on actual usage of each system.⁷ COMSAT applauds this approach, which allows the end users of MSS services to determine which services best meet their needs.

Consistent with the interim agreement, the Commission is free in this proceeding to allocate to AMSC such L-band spectrum as the U.S. government is able to coordinate in the international coordination process. Thus, consistent with the Mexico City accord, if AMSC desires more spectrum in future rounds of the coordination, the burden will be on AMSC to demonstrate (with hard data) that it has substantially expanded its present customer base and actually needs additional L-band spectrum.

COMSAT submits, however, that it would not be consistent with the spirit of the interim agreement, or with the FCC's pro-competition policies, for the Commission to seek to increase the amount of L-band spectrum available for AMSC by barring U.S. domestic MSS users from accessing Inmarsat's non-maritime digital services.⁸ Recently, the FCC expanded AMSC's maritime service area to the full extent of its coverage area, including the Caribbean⁹ -- a very

compensate AMSC for its inability to utilize the 1525-1530 MHz/1626.5-1631.5 MHz paired band in the lower L-band due to limitations in its satellite design.

⁷ See "FCC Hails Historic Agreement on International Satellite Coordination," Report No. IN 96-16, released June 25, 1996.

⁸ The NPRM recognizes COMSAT's authority to provide Inmarsat maritime services in the lower L-band to vessels in U.S. waters. *NPRM* at para. 22.

⁹ *Authorization and Certificate, (File No. ITC-95-280)* 11 FCC Rcd. 6830 (1996).

important market for COMSAT and other Inmarsat service providers. AMSC also has pending an application to extend similarly its authorized aeronautical service area.¹⁰ COMSAT filed comments supporting grant of both of these applications as furthering consumer choice and expanding competition in MSS services across the region.

For the same reasons, COMSAT has filed its own application to offer its Inmarsat land mobile digital services and Inmarsat aeronautical service to users in the United States,¹¹ and a blanket license application for up to 5000 PLANET 1™ terminals.¹² Although there does not appear to be a large U.S. domestic market for most Inmarsat services, COMSAT believes that PLANET 1™ will best suit the needs of many domestic MSS users that require a low-cost, highly portable communications capability. It would be contrary to the spirit of the interim agreement for the Commission to deny consumers access to the benefits of such state-of-the-art technology and impose AMSC's brand of MSS service on all domestic users.¹³ In short, COMSAT submits that the Mexico City accord, as well as the dictates of sound Commission policy,

¹⁰ *Application of AMSC for Authority to Provide Incidental Transborder and International Aeronautical Communications*, File No. ITC-95-626.

¹¹ *Application of COMSAT for Authority to Provide U.S. Domestic Land Mobile and Aeronautical Services*, File No. ITC-95-341, filed May 11, 1995.

¹² *COMSAT Application for Blanket Radio Authorization to Construct and Operate Up to 5,000 PLANET 1™ Mobile Earth Stations*, File No. 1281-DSE-P/L-96, filed May 24, 1996. COMSAT has also filed a petition for reconsideration of the Commission's *DISCO I* Order, asking the Commission to authorize COMSAT to provide domestic services via the Inmarsat and INTELSAT systems. See *Petition for Partial Reconsideration and Immediate Interim Relief*, IB Docket No. 95-41, filed April 11, 1996.

¹³ Nor does a policy limiting domestic use of Inmarsat services aid U.S. efforts to press other countries to grant market access to U.S.-licensed global MSS systems.

calls for affording U.S. users the opportunity to select the particular MSS service -- AMSC, PLANET 1™, or any other Inmarsat digital service -- that best meets their individual needs.

CONCLUSION

For the reasons stated above, COMSAT supports the NPRM's proposals which recognize that any further assignment of spectrum to AMSC -- in any part of the L-band -- must first be agreed to within the existing intersystem L-band coordination process. In the spirit of the historic Mexico City accord, and to promote U.S. consumer choices, COMSAT also urges the Commission to act promptly to grant COMSAT's pending domestic service applications.

Respectfully submitted,

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September 17, 1996