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

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In the Matter of	)	
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The Development of Operational,	)	WT Docket No. 96-86
Technical and Spectrum Requirements	)	
for Meeting Federal, State and Local	)	
Public Safety Agency Communication	)	DOCKET FILE COPY ORIGINAL
Requirements Through the Year 2010	)	

JOINT COMMENTS OF THE 2 GHZ MSS COALITION

Celsat America, Inc., COMSAT Corporation, Hughes Space and Communication International, ICO Global Communications, and Personal Communications Satellite Corporation (collectively the " 2 GHz MSS Coalition" or "Coalition") by their attorneys, submit these Joint Comments in response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rule Making ("NPRM") in the above-captioned proceeding initiating an overall review of public safety wireless communications.[1] These Joint Comments also respond to the findings and recommendations contained in the final report of the Public Safety Wireless Advisory Committee ("PSWAC") presented to the Commission as comments in this proceeding September 16, 1996.[2] Specifically, the Coalition strongly opposes the PSWAC recommendation

[1] *The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010,* WT Docket No. 96-86, Notice of Proposed Rulemaking, FCC No. 96-155 (April 10, 1996).

[2] Public Safety Wireless Advisory Committee, Final Report to the Federal Communications Commission and The National Telecommunications and Information Administration (Sept. 11, 1996) ("PSWAC *Final Report*").

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to allocate the 1990-2110 MHz band to public safety. In a rulemaking pending since 1995,[3] the Commission proposes, among other things, to allocate the 1990-2025 MHz band for mobile satellite services ("MSS") uplinks.[4] That rulemaking is now ripe for decision. The Coalition recognizes the special needs of the public safety community, but because fixed services are incompatible with MSS in this band, the Commission should consider public safety allocations in more suitable spectrum bands.

The Coalition represents a diverse cross-section of participants in the MSS industry, including potential MSS system operators, wholesalers and retailers of MSS services in the United States and abroad, investors in MSS systems, and MSS equipment manufacturers. The 2 GHz MSS Coalition was formed to address matters regarding the development of spectrum at 2 GHz for MSS. To this end, the Coalition has urged the immediate allocation of spectrum at 2 GHz (1990-2025 MHz and 2165-2200 MHz) for MSS, as proposed a year and a half ago by the Commission. The development of MSS in the 2 GHz band will benefit consumers, the public interest, and U.S. economic development, but these public benefits will be lost if 1990-2025 MHz is allocated for public safety purposes.

BACKGROUND

Following release of the *2 GHz NPRM,* the United States delegation successfully worked with other delegations at the 1995 World Radiocommunication Conference ("WRC-95") to

[3] *Amendment to Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service,* Notice of Proposed Rulemaking, 10 FCC Rcd 3230 (1995) ("*2 GHz NPRM*").

[4] The Coalition notes that Broadcast Auxiliary Services ("BAS") currently occupy 1990-2110 MHz. A variety of options has been presented by both the FCC and the Coalition for accommodating BAS licensees that must move from the 1990-2025 MHz band to allow MSS services to be implemented. A number of these options envision continued BAS use of 2025-2110 MHz. The Commission should avoid further complicating the situation at 2025-2110 MHz and refuse to entertain other requests for the use of that band, including the PSWAC recommendation for public safety operations in that spectrum.

allocate more than 70 MHz of spectrum at 2 GHz in Region 2 (the Americas). This allocation at 1990-2025 and 2160-2220 MHz will be available for the introduction of MSS in the United States and Canada beginning on January 1, 2000. The WRC-95 conferees also agreed to accelerate the availability of 60 MHz in the rest of the world (1980-2010 and 2170-2200 MHz) from January 1, 2005 to January 1, 2000. These decisions were made in the recognition that expeditious and globally-coordinated introduction of international MSS systems in the 2 GHz band would bring a myriad of public benefits; and a transition arrangement could be implemented that would allow MSS systems and fixed microwave service ("FS") systems to share the MSS downlink spectrum (2165-2200 MHz) for an extended period of time. In the *2 GHz NPRM*, the Commission expressed its strong desire to allocate 2 GHz spectrum for MSS:

> We continue to believe that a need exists for allocating a substantial amount of spectrum for MSS. There is significant consumer demand for convenient mobile services such as telephone, high-rate data and fax, and video. MSS can provide such communications in remote or rural areas not covered by terrestrially based mobile services, and can provide nationwide public safety coverage. . . . Thus, the proposed allocation of 70 MHz of spectrum to MSS should give the public, especially rural Americans, access to new and competitive services and technologies. In the process of bringing such new uses of the spectrum to market, our proposal will also stimulate economic development and the creation of new jobs in the United States.[5]

The record subsequently developed in the 2 GHz proceeding confirms that the public interest will be served by the allocation of 2 GHz spectrum to MSS. Accordingly, the Coalition believes the time is ripe for the Commission to act to facilitate the development of MSS in the United States.

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[5] *2 GHz NPRM*, 10 FCC Rcd at 3231 (1995).

Specifically, the Coalition has advocated that the Commission implement the results of WRC-95 by allocating 1990-2025 MHz and 2165-2200 MHz to MSS and establishing a filing window for 2 GHz MSS systems. The Coalition also has recommended that the Commission not apply its emerging technology relocation rules to MSS and instead to adopt a phased transition plan that would eventually clear incumbents from the MSS bands at relatively little cost.

In addition, representatives from both the MSS and incumbent user communities are cooperating in a study under the auspices of the Telecommunications Industry Association ("TIA") to examine the 2 GHz sharing issues.[6]

ARGUMENT

In its Final Report, the PSWAC suggested that public safety fixed service requirements could be met by allocations in the 4635-4685 MHz, 1990-2110 MHz, and 3700-4200 MHz bands.[7] Although the final report identifies the 1990-2110 MHz band as "not [ ] designated for a specific use,"[8] a significant portion of that band, 1990-2025 MHz, as described above, has been allocated internationally for MSS. Moreover, the FCC has had a pending proposal for almost two years to allocate 1990-2025 MHz for MSS domestically and a Commission order on the *2 GHz NPRM* is expected shortly. The MSS Coalition believes that the PSWAC recommendation simply overlooked the outstanding MSS allocation proposal and the resulting unavailability of the 1990-2025 MHz band for public safety FS. Accordingly, the Coalition

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[6] *See* Letter from Thanos Kiperos, Director of Technical & Regulatory Affairs, Telecommunications Indus. Ass'n, to William F. Caton, Acting Secretary, Federal Communications Commission (Sept. 6, 1996) (on file in ET Dkt. 95-18).

[7] PSWAC *Final Report*, App. D at 643-44 (Sept. 11, 1996) (Spectrum Requirements Subcommittee Final Report).

[8] *Id.* at 641.

strongly urges that the Commission avoid allocation of the 1990-2025 MHz band for public safety use.

Although the Coalition submits that sharing is possible for an extended period between MSS and FS in the MSS downlink band, FS use of the uplink band at 1990-2025 MHz would be incompatible with the proposed MSS allocation. Studies conducted by the International Telecommunication Union ("ITU") examining the sharing potential between FS transmitters and MSS receivers in the MSS uplink band have concluded that sharing between the two services would not in general be possible.[9] Accordingly, the ITU has concluded that a phased transition plan for moving FS systems out of the MSS uplink spectrum is necessary for MSS to access that band.[10]

Any public safety allocation now would be wholly inefficient since, under the transition plan now under consideration in the 2 GHz proceeding and as described in greater detail below, non-MSS (BAS) operations in the 1990-2008 MHz and 2008-2025 MHz bands would need to cease by January 1, 2000 and January 1, 2005 respectively. Allocating spectrum to public safety for such a short term period would seriously disserve the public interest. The Commission could better serve the interests of the public safety community by pursuing alternative spectrum allocations for long term public safety use.

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[9] *See* International Telecommunciation Union, Radiocommunication Sector, *Conference Preparatory Meeting Report on Technical, Operational and Regulatory/Procedural Matters to be Considered by the 1995 World Radiocommunication Conference* at 25 (Geneva, 1995).

[10] *See id.* Problems in the uplink band relate to the enormous difference between the power levels of FS transmitters and handheld MSS terminals. While FS transmitters in this band are likely to operate at EIRP in excess of 30 dBW, MSS handsets are expected to operate at EIRP of less than one watt. Accordingly, any MSS satellite that intercepts an FS beam will likely encounter a high level of interference, thereby creating a wall of noise that could potentially block hundreds of MSS calls to that satellite.

CONCLUSION

Accordingly, the Commission should not pursue a public safety allocation at 1990-2025 MHz as recommended by the PSWAC. The 1990-2025 MHz band has been allocated for MSS internationally and a Commission proceeding proposing domestic allocation for MSS is pending.

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October 21, 1996

CERTIFICATE OF SERVICE

I, Kathryn M. Stasko, do hereby certify that the foregoing **JOINT COMMENTS OF THE 2GHz MSS COALITION** has been furnished, via hand delivery, on this 21st day of October, 1996, to the following:

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