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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 200554

)
In the Matter of Allocation and Designation)
of Spectrum for Fixed-Satellite Services in)
the 37.5-38.5 GHz, 40.5-41.5 GHz, and 48.2-50.2)
GHz Frequency Bands; Allocation of Spectrum to)
Upgrade Fixed and Mobile Allocations in the)
40.5-42.5 GHz Frequency Band; Allocation of)
Spectrum in the 46.9-47.0 GHz Frequency Band)
for Wireless Services; and Allocation of)
Spectrum in the 37.0-38.0 GHz and 40.0-40.5)
GHz Frequency Bands for Government Operations)
_____)

IB Docket No. 97-95

RM-8811

**REPLY COMMENTS OF
SKY STATION INTERNATIONAL, INC.**

Sky Station International, Inc. ("SSI") supports the Commission's commitment to make available for commercial use spectrum above 30 GHz. SSI submits these reply comments to point out that the Commission's actions in the *Millimeter Wave Rulemaking Proceeding*^{1/} resolved any allocation issues relating to the 47.2-48.2 GHz frequency band. On May 2, 1997, the Commission issued a press release announcing that it had adopted a Report and Order (FCC

^{1/} See Amendment of Parts 2 and 15 of the Commission's Rules to Permit the Use of Radio Frequencies Above 40 GHz for New Radio Applications, ET Docket No. 94-124, RM-8308, Notice of Proposed Rulemaking, 9 FCC Rcd 7078 (1994) (*First NPRM*).

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97-153) "making available for public, commercial use 1 gigahertz of the electromagnetic spectrum in the 47 GHz band."^{2/} The press release indicated that the rules adopted in the Report and Order would "enable service providers to develop and offer a range of services, consistent with the allocation governing the 47.2-48.2 GHz band, including services utilizing networks of geostationary stratospheric platforms."^{3/} It also stated that the Commission intends to seek further comment on the competitive bidding procedures for this band.

Some of the comments received by the Commission in the above-captioned proceeding make minor reference to the use of the 47.2-48.2 GHz frequency band.^{4/} It would be inappropriate to consider further changes to the new allocation of this band. The Commission already has received and considered comments relating to the 47.2-48.2 GHz frequency band in the *Millimeter Wave Rulemaking Proceeding*, and based on these comments has developed rules specifically directed towards this one gigahertz of spectrum. Therefore, issues relating to the use of the 47.2-48.2 GHz frequency band should not be addressed in the instant proceeding, but should continue to be addressed in the *Millimeter Wave Rulemaking Proceeding*.

Moreover, SSI notes that certain statements made by commenters referencing the 47.2-48.2 GHz band do not accurately represent our current understanding of the spectrum

^{2/} A copy of the May 2, 1997, press release is attached.

^{3/} The text of the rules have not yet been released. However, as noted in the press release, the current allocation of the 47.2-48.2 GHz band permits fixed, fixed-satellite feeder links for BSS, and mobile uses.

^{4/} It is quite possible that these commenters were unaware of the decision in the *Millimeter Wave Rulemaking Proceeding* at the time they submitted comments in the instant proceeding.

requirements for stratospheric platforms. In any event, the spectrum needs for SSI's proposed stratospheric service were detailed in SSI's December 24, 1996, filing in the *Millimeter Wave Rulemaking Proceeding*,^{5/} and thus were considered by the Commission in developing rules for the 47.2-48.2 GHz frequency band in that proceeding.

Respectfully Submitted,

SKY STATION INTERNATIONAL, INC.

By: Paul Mahon (raj)
Paul A. Mahon
Christopher Patusky
Mahon, Patusky & Rothblatt, Chartered
1735 Connecticut Avenue, N.W.
Washington, D.C. 20009
(202) 483-4000
Its Attorneys

By: Jonathan D. Blake
Jonathan D. Blake
Lee J. Tiedrich
Jennifer A. Johnson
Covington & Burling
1201 Pennsylvania Avenue,
P.O. Box 7566
Washington, D.C. 20044-7566
(202) 662-6000
Its Attorneys

June 3, 1997

^{5/} *Amendment of Parts 2 and 15 of the Commission's Rules to Permit the Use of Radio Frequencies Above 40 GHz for New Radio Applications*, ET Docket No. 94-124, RM-8308 (Further Comments of Sky Station International, Inc., filed Dec. 24, 1996). As the Commission is well aware and as SSI's recent filings in the *Millimeter Wave Rulemaking Proceeding* state, the proposed stratospheric platforms will require between 100 plus 100 MHz of spectrum and 300 plus 300 MHz of spectrum.



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**Federal Communications Commission
1919 - M Street, N.W.
Washington, D. C. 20554**

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See *MCI v. FCC*, 515 F.2d 585 (D.C. Cir. 1974).

Report WT 97-22 WIRELESS TELECOMMUNICATIONS ACTION May 2, 1997

**FCC MAKES AVAILABLE 1 GIGAHERTZ OF SPECTRUM
IN 47 GHz BAND FOR PUBLIC, COMMERCIAL USE
(ET Docket No. 94-124)**

The Commission today adopted a Report and Order making available for public, commercial use 1 gigahertz of the electromagnetic spectrum in the 47 GHz band. The Commission also stated in the Report and Order that it intends to issue in the near future a Notice of Proposed Rulemaking proposing to select licensees through the use of competitive bidding.

The Report and Order was adopted in the Millimeter Wave Rulemaking Proceeding, initiated by the Commission for licensing spectrum in the bands above 40 GHz. See Amendment of Parts 2 and 15 of the Commission's Rules To Permit Use of Radio Frequencies Above 40 GHz for New Radio Applications, ET Docket No. 94-124, RM-8308, Notice of Proposed Rulemaking, 9 FCC Rcd 7078 (1994) (*First NPRM*).

Today's action will enable service providers to develop and offer a range of services, consistent with the allocation governing the 47.2-48.2 GHz band, including services utilizing networks of geostationary stratospheric platforms. The allocation currently permits fixed, fixed-satellite, and mobile uses. The Commission believes that opening this spectrum to commercial applications and technologies will foster the development of new communications services that will benefit American consumers, create opportunities for economic growth and jobs, and promote American competitiveness internationally.

Action by the Commission May 2, 1997, by Report and Order (FCC 97-153). Chairman Hundt, Commissioners Quello, Chong, and Ness.

News Media contact: Audrey Spivack at (202) 418-0654
Wireless Telecommunications Bureau contact: John Cimko at (202) 418-1310

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