

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

In the Matter of Petition of)
)
DIRECTV ENTERPRISES, INC.)
)
To Amend Parts 2, 25 and 100)
To Allocate Spectrum for the)
Fixed-Satellite Service and the)
Broadcast-Satellite Service)

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

REPLY COMMENTS OF GE AMERICAN COMMUNICATIONS, INC.

GE American Communications, Inc. ("GE Americom"), by its attorneys and pursuant to Section 1.405 of the Commission's Rules, 47 C.F.R. § 1.405, hereby replies to the comments of other parties in response to the above-captioned Petition for Rulemaking, filed June 5, 1997, by DIRECTV Enterprises, Inc. ("DIRECTV Petition"). Based on the record here the Commission should grant the DIRECTV Petition and initiate a rulemaking proceeding to allocate additional spectrum to the broadcast-satellite service ("BSS") at 17.3-17.8 GHz and at 24.75-25.25 GHz for BSS feeder links. In that rulemaking, the Commission should explore the appropriate orbital spacing for satellites operating in the new bands.

I. THE RECORD SUPPORTS INITIATION OF A RULEMAKING TO ALLOCATE ADDITIONAL SPECTRUM FOR BSS

In its comments, GE Americom urged the Commission to start a rulemaking proceeding to allocate additional spectrum for BSS at the 17.3-17.8 GHz and 24.75-25.25 GHz bands. GE Americom Comments at 1-3. We demonstrated

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that additional bandwidth is needed to address the growing requirements for BSS capacity, and that allocation of the bands identified in the DIRECTV Petition is consistent with international spectrum planning. *Id.*

Other satellite providers agree. Lockheed Martin, for example, observes that:

There is simply insufficient capacity available for use in the United States in the Planned BSS bands to support the development and expansion of new BSS businesses. Allocating the 17.3-17.8 GHz and 24.75-25.25 GHz bands for BSS and BSS feeder links would provide essential spectrum required for the development of next-generation BSS services and advanced satellite telecommunications technologies needed to implement those services.

Lockheed Martin Comments at 1-2. Loral concurs that the limited orbital locations and spectrum in the planned BSS bands will significantly restrict BSS development. Loral states that “[e]nhanced services and expanded choices for the U.S. consumer can only be provided through additional spectrum that will allow the introduction of new technology and innovative applications.” Loral Comments at 3. EchoStar states that it does not oppose the institution of a rulemaking provided interference issues are addressed. EchoStar Comments at 1.

Lockheed Martin and Loral both emphasize the need for spectrum that can be used not just for traditional BSS but also for a full range of broadband multimedia applications. Lockheed Martin Comments at 2-3; Loral Comments at 4. GE Americom agrees that the Commission should not limit the usefulness of the new spectrum allocations by unnecessarily restricting the services that can be

provided. Instead, licensees should be able to offer video, audio and data services to both residential and business customers. Contrary to the assertions of the DEMS Parties (Digital Services Corporation, Teligent, L.L.C. and Microwave Services, Inc. Comments at 14), the Region 2 allocation for BSS is not limited to the use of the spectrum for HDTV and is thus fully consistent with broad use of the spectrum. *See* 47 C.F.R. § 2.106.

II. THE CONCERNS RAISED BY SKYBRIDGE AND THE DEMS PARTIES ARE PROPERLY CONSIDERED IN THE CONTEXT OF A RULEMAKING PROCEEDING

As noted above, there is substantial support in the comments for the allocation of new spectrum to BSS. However, a group of Digital Electronic Message Service (“DEMS”) applicants and licensees opposes the DIRECTV Petition, and SkyBridge expresses concern about interference issues. *See* DEMS Parties Comments at 4-17; SkyBridge Comments at 4-7. These arguments should not deter the Commission from initiating the rulemaking requested by DIRECTV. Instead, the Commission should request comment regarding the concerns raised by these parties and should address them in the course of the rulemaking proceeding.

SkyBridge, for example, suggests that DIRECTV has not adequately demonstrated that sharing is possible between BSS operations and SkyBridge’s proposed use of the 17.3-17.8 GHz band for gateway earth stations. SkyBridge, however, has not been licensed by the Commission to use the 17.3-17.8 GHz band; it merely has a pending application. Any issues about SkyBridge’s ability to co-exist with other existing and proposed services can be addressed in the context of

the SkyBridge application and in the rulemaking requested by DIRECTV. There is no justification for prejudging the issues by refusing to even initiate a rulemaking.

Similarly, the major concern of the DEMS parties is with the alleged inconsistency between DIRECTV's proposal and the Commission's decision to allocate the 25.05-25.25 GHz band for DEMS. That issue is also currently pending before the Commission. Specifically, DIRECTV has sought reconsideration of the Commission's DEMS relocation decision. *See* DIRECTV Petition at 10-11.

Accordingly, the Commission will have a full opportunity to determine whether the DEMS allocation must be changed to accommodate the requirement for additional BSS spectrum. GE Americom supports reconsideration of the DEMS decision in light of the need to allocate the 24.75-25.25 GHz band for BSS feeder links. But in any event, the challenged DEMS allocation does not preclude the Commission from beginning a rulemaking in response to the DIRECTV Petition.

Thus, the Commission should conclude that establishing a rulemaking to consider the allocation of additional frequencies to BSS is in the public interest. The Commission can then address the issues raised by SkyBridge and the DEMS Parties upon a more complete record once comments and replies have been filed in the rulemaking proceeding.

III. FURTHER ANALYSIS OF ORBITAL SPACING ISSUES IS NECESSARY

In its comments, GE Americom requested that the Commission allow for further investigation of technical issues prior to proposing an orbital spacing

policy for the new BSS bands. GE Americom Comments at 3-4. In particular, we suggested that closer spacing than the 4.5° spacing proposed by DIRECTV might be feasible and would permit parties added flexibility to collocate BSS and FSS spacecraft.

Lockheed Martin makes the same observation. In particular it notes that BSS operations in the new band would complement FSS services to be provided in the Ka-band. Lockheed Martin points out that:

[S]ervice providers would be able to offer relatively inexpensive satellite dishes capable of receiving both Ka-band BSS and Ka-band FSS signals, thereby lowering equipment costs for consumers and facilitating the widespread availability of advanced BSS and FSS services.

Lockheed Martin Comments at 3 (footnote omitted). However, a 4.5° spacing policy would undermine the flexibility of parties to collocate BSS and FSS spacecraft.

Lockheed Martin states that it “believes that a smaller spacing requirement may be appropriate and could permit the co-location of Ka-band BSS satellites with either U.S. Ka-band FSS satellites or BSS satellites.” *Id.* at 4.

Lockheed Martin therefore urges the Commission to further consider spacing issues in the course of the rulemaking on the new BSS allocation. In contrast, Loral tentatively supports 4.5° spacing, while EchoStar suggests that 9° spacing might be required. Loral Comments at 6; EchoStar Comments at 2.

The Commission need not and should not attempt to resolve this issue now. Instead, the Commission should solicit comment on the appropriate orbital

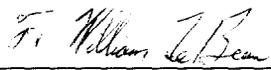
spacing policy in the course of the rulemaking proceeding. This will permit all interested parties to address the technical issues and spectrum efficiency concerns that have been raised.

CONCLUSION

For the reasons stated herein and in our initial comments, GE Americom urges the Commission to initiate a rulemaking proceeding to allocate spectrum at the 17.3-17.8 and 24.75-25.25 GHz bands for BSS and BSS feeder links. An appropriate orbital spacing policy should be developed in the course of that rulemaking proceeding.

Respectfully submitted,

GE AMERICAN COMMUNICATIONS, INC.

By: 
Peter A. Rohrbach
Karis A. Hastings
F. William LeBeau
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5600

Philip V. Otero
Senior Vice President and
General Counsel
GE American Communications, Inc.
Four Research Way
Princeton, NJ 08540

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of GE American Communications, Inc. were served by hand delivery this 15th day of August, 1997 to:

Peter F. Cowhey
Chief International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 830
Washington, D.C. 20554

Ruth Milkman
Deputy Chief, International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 821
Washington, D.C. 20554

Thomas S. Tycz
Chief, Satellite and
Radiocommunications Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 520
Washington, D.C. 20554

Cecily C. Holiday
Deputy Chief, Satellite and
Radiocommunications Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 520
Washington, D.C. 20554

Mr. Harold Ng
Engineering Advisor, Satellite and
Radiocommunications Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 801
Washington, D.C. 20554

Steve Sharkey
Chief, Satellite Engineering Branch
Satellite and Radio Communications
Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 512
Washington, D.C. 20554

Fern Jarmulnek
Chief Satellite Policy Branch
Satellite and Radiocommunications
Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 518
Washington, D.C. 20554

Jennifer Gilsenan, Esq.
Legal Advisor
Satellite Policy Branch
Satellite and Radiocommunications
Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 511
Washington, D.C. 20554

and by first class mail, postage prepaid to:

John P. Janka
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004-2505

Hal B. Perkins
Dolores Lyons
Telcom Ventures
211 North Union Street
Suite 300
Alexandria, VA 22314

Jay L. Birnbaum
Antoinette Cook Bush
Anthony E. Varona
Skadden, Arps, Slate, Meagher
& Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005

Laurence E. Harris
David S. Turetsky
Teligent, L.L.C.
11 Canal Center Plaza
Suite 300
Alexandria, VA 22314-1538

David K. Moskowitz
Sr. Vice President & Gen. Counsel
EchoStar Communications
Corporation
90 Inverness Circle East
Englewood, CO 80112

Philip L. Malet
Pantelis Michalopoulos
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Gerald C. Musarra
Senior Director, Commercial Policy
and Regulatory Affairs
Space and Strategic Missiles Sector
Lockheed Martin Corporation
1725 Jefferson Davis Highway
Arlington, VA 2202-4127

John K. Hane, Esq.
Director of Regulatory Affairs
Lockheed Martin Telecommunications
1272 Borregas Avenue
Sunnyvale, CA 94089

Raymond G. Bender, Jr.
Carlos M. Nalda
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Philip L. Verveer
C. Grace Campbell
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036

Phillip L. Spector
Jeffrey H. Olson
Diane C. Gaylor
Paul, Weiss, Rifkind, Wharton
& Garrison
1615 L Street, N.W., Suite 1300
Washington, D.C. 20036


Patricia Green