

**HALPRIN, TEMPLE, GOODMAN & SUGRUE**

1100 NEW YORK AVENUE, N.W., SUITE 650 EAST  
WASHINGTON, D.C. 20005

(202) 371-9100 TELEFAX: (202) 371-1497

HTTP://WWW.HTGS.COM

**ORIGINAL**

ALBERT HALPRIN  
RILEY K. TEMPLE  
STEPHEN L. GOODMAN  
MELANIE HARATUNIAN  
WILLIAM F. MAHER, JR.

THOMAS J. SUGRUE  
JOEL BERNSTEIN

J. RANDALL COOK  
JEFFREY L. MAGENAU\*  
\*ADMITTED MD.

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August 19, 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. Peter Cowhey  
Chief, International Bureau  
Federal Communications Commission  
Room No. 858  
2000 M Street, N.W.  
Washington, D.C. 20554

Re: IB Docket No. 96-220 -- NVNG MSS Rulemaking

Dear Mr. Cowhey:

Orbital Communications Corporation ("ORBCOMM") wants to take this opportunity to respond briefly to the August 15, 1997 Letter from Robert Mazer and Albert Shuldiner on behalf of Leo One USA Corporation ("August 15th Letter") concerning resolution of the current rulemaking for the Non-Voice, Non-Geostationary Mobile Satellite Service ("NVNG MSS" or "Little LEO"). The August 15th Letter asserts that:

Specifically, Orbcomm backed away from its request for 90 kHz of spectrum in the NOAA channels which the FCC identified in the Notice of Proposed Rulemaking as available for second round licensees. Orbcomm now states that it can implement its requested system modification in the downlink spectrum specified under its currently licensed channelization plan.<sup>1/</sup>

This assertion mischaracterizes ORBCOMM's current position as reflected at the settlement discussions and in correspondence with the Commission. ORBCOMM has indeed reduced its request for 90 kHz of spectrum for new subscriber downlinks. As ORBCOMM indicated at the settlement meeting, it can satisfy its needs for more downlink spectrum to support the twelve additional satellites with only 70 kHz of bandwidth in the 137-138 MHz band. This slight additional spectrum represents an incremental increase of only 30 kHz above the

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<sup>1/</sup> August 15th Letter at p. 1.

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currently licensed amount of spectrum, because of ORBCOMM's currently pending modification request to utilize fewer, more efficient subscriber downlinks.

At the settlement meeting, ORBCOMM presented a chart reflecting a frequency plan that would provide ORBCOMM with the spectrum necessary to add the twelve satellites, and still provide a large amount of spectrum in the 137-138 MHz band for a new system. In addition, on August 13, 1997, ORBCOMM submitted to Mr. Harold Ng of your staff an alternative frequency plan in response to concerns raised at the settlement meeting with regard to multiple systems sharing with NOAA. Under that alternative plan, ORBCOMM would be sharing with the Russian METEOR system for its new downlink channels. Under this proposed frequency plan, even after accommodating ORBCOMM's needs, some 600 kHz of downlink spectrum in the 137-138 MHz band would be available for use by a new NVNG system (including both exclusive spectrum and spectrum shared with NOAA), an amount more than sufficient to support a new entrant.

With regard to its request for spectrum in the lower Transit band for feeder link uplink operations, ORBCOMM has also been flexible. As ORBCOMM indicated at the settlement meeting, if a new system is authorized with downlink operations solely in the 137-138 MHz band, then ORBCOMM believes that such a system could use the upper Transit band (399-400.05 MHz) for its gateway uplink, leaving spectrum in the lower Transit band for ORBCOMM's gateway uplink.<sup>2/</sup> Finally, ORBCOMM also indicated that Orbital Sciences Corporation (ORBCOMM's parent), which has acquired some of the assets of CTA, Inc. (including certain option rights with regard to the pending CTA NVNG application), is prepared to cause the dismissal of the CTA application if ORBCOMM is awarded the additional downlink spectrum in the 137-138 MHz band to support the additional twelve satellites in this processing round.

In light of the fact that it now appears that ORBCOMM's very modest requests can be met in this processing round without excluding new competitive entry, ORBCOMM believes it would arbitrary and capricious to exclude ORBCOMM from this processing round.<sup>3/</sup> Moreover, a decision to exclude ORBCOMM from additional spectrum in this processing round would be contrary to the public interest, in light of, *inter alia*, the significant increase in service availability in the Northern Latitudes (including Alaska) that would result from the additional twelve satellites added to ORBCOMM's constellation.

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<sup>2/</sup> If a system uses downlinks in the 401 MHz band, then self interference would likely be a problem if a gateway feeder links were operating in the adjacent 399-400.05 MHz Transit band. In that case, ORBCOMM is prepared to migrate into the lower Transit band if new NVNG feeder link allocations were made at an upcoming WRC, which would allow one of the new systems to operate its feeder links there instead of the lower Transit band.

<sup>3/</sup> ORBCOMM also observes that its exclusion would in no way resolve what appears to be a remaining contention for spectrum in the 401 MHz band.

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For all of these reasons, ORBCOMM continues to urge the Commission not to adopt a rule that would automatically dismiss ORBCOMM from this processing round, but instead grant ORBCOMM a modification of its license consistent with the requests detailed herein. Please feel free to contact the undersigned if you have any questions with regard to ORBCOMM's current positions in this proceeding.

Sincerely,



Stephen L. Goodman  
Counsel for ORBCOMM

cc: Chairman Hundt  
Commissioner Quello  
Commissioner Ness  
Commissioner Chong  
William Kennard  
Thomas Tycz  
Cecily Holiday  
Fern Jarmulnek  
Ruth Milkman  
Cassandra Thomas  
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