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LAW OFFICES
KELLER AND HECKMAN LLP
1001 G STREET, N.W.
SUITE 500 WEST
WASHINGTON, D.C. 20001
TELEPHONE (202) 434-4100
FACSIMILE (202) 434-4646

BOULEVARD LOUIS SCHMIDT 87
B-1040 BRUSSELS
TELEPHONE 32(2) 732 52 80
FACSIMILE 32(2) 732 53 92

WWW.KHLAW.COM

JOSEPH E. KELLER (1907-1994)
JEROME H. HECKMAN
WILLIAM H. BORGHESANI, JR.
MALCOLM D. MACARTHUR
WAYNE V. BLACK
TERRENCE D. JONES
MARTIN W. BERCOVICI
JOHN S. ELDRED
RICHARD J. LEIGHTON
ALFRED S. REGNERY
DOUGLAS J. BEHR
RAYMOND A. KOWALSKI*
SHIRLEY A. COFFIELD
MICHAEL F. MORRONE
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DEVON WM. HILL*
DANIEL QUINTART*◊
MICHAEL A. PETRUZZI*

*NOT ADMITTED IN D.C.
◊RESIDENT BRUSSELS

SCIENTIFIC STAFF
DANIEL S. DIXLER, PH. D.
CHARLES V. BREDER, PH. D.
ROBERT A. MATHEWS, PH. D., D.A.B.T.
JOHN P. MODDERMAN, PH. D.
HOLLY HUTMIRE FOLEY
JANETTE HOUK, PH. D.
LESTER BORODINSKY, PH. D.
THOMAS C. BROWN◊
MICHAEL T. FLOOD, PH. D.
ANDREW P. JOVANOVICH, PH. D.
ANNA GERGELY, PH. D.◊

TELECOMMUNICATIONS ENGINEER
RANDALL D. YOUNG

October 1, 1997

(202) 434-4129
reardon@khlaw.com

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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OCT - 1 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: IB Docket No. 96-220:
Little LEO Licensing Proceeding;
Ex Parte Meeting

Dear Mr. Caton:

The purpose of this letter is to provide notice that on October 1, 1997, the following individuals met with David R. Siddall of Commissioner Ness' office to discuss the above-captioned proceeding: Wayne V. Black, Nicole B. Donath, and John Reardon on behalf of the American Petroleum Institute.

Our discussion concerned the Commission's proposal to allocate the 459.000-460.000 MHz band to Little LEOs and its upcoming Notice of Proposed Rule Making to allocate, on a domestic basis, certain international allocations. As Petroleum Radio Service eligibles, API members strongly oppose reallocation or sharing of the oil spill response and clean up channel centered at 459.000 MHz. In order to protect lives and guard against damage to the environment and property, the oil spill response and clean up channel should remain inaccessible to Little LEOs.

Should the Commission require further information, it is respectfully requested to contact the undersigned at (202) 434-4129.

Sincerely,

John Reardon

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Enclosures

cc: Mr. David R. Siddall

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# Concerns Of Petroleum Radio Service Entities

- Effective Communications Are Essential To Oil Spill Response And Clean Up Operations.

- There Is No Demonstrated Need For Sharing Or Reallocating The 459.000-460.000 MHz Band To Little LEOs.

- Little LEO Proponents Have Failed To Prove That Little LEOs Can Share Spectrum With Land Mobile Radio Service Users. Dynamic Channel Allocation Is Based Upon A Flawed Theory And Has Never Been Demonstrated To Work.

- The 459.000 MHz Band Is Unsuitable For Little LEOs Because WRC-95 Did Not Designate A Corresponding Downlink.

- If The Commission Determines That Little LEOs Do In Fact Need An Allocation In The 459.000 MHz Range, The FCC Should Protect The Oil Spill Channel By Excluding The Band 459.000-459.050 MHz.

- If The FCC Nonetheless Allocates The Entire 459.000 MHz Band To Little LEOs, It Should Include The Strict Limitations Adopted At WRC-95. Thus, Little LEOs Would Not Be Permitted To Constrain The Development And Use Of Fixed And Mobile Services; Nor Cause Harmful Interference; Nor Claim Protection From Fixed And Mobile Services.

FINAL ACTS

WRC-95

# Final Acts of the World Radiocommunication Conference (WRC-95)

Geneva, 1995

**MHz**
**430 – 470**

| Allocation to Services | | |
|---|---|---|
| Region 1 | Region 2 | Region 3 |
| **430 – 440**<br>AMATEUR<br>RADIOLOCATION<br>S5.138 S5.271 S5.272 S5.273 S5.274 S5.275 S5.276 S5.277 S5.280 S5.281 S5.282 S5.283 | **430 – 440**<br>RADIOLOCATION<br>Amateur<br>S5.271 S5.276 S5.277 S5.278 S5.279 S5.281 S5.282 | |
| **440 – 450** | FIXED<br>MOBILE except aeronautical mobile<br>Radiolocation<br>S5.268 S5.270 S5.271 S5.284 S5.285 S5.286 | |
| **450 – 455** | FIXED<br>MOBILE<br>S5.271 S5.286 | |
| **455 – 456**<br>FIXED<br>MOBILE<br>S5.271 S5.286B | **455 – 456**<br>FIXED<br>MOBILE<br>MOBILE-SATELLITE (Earth-to-space)<br>S5.209 S5.271A S5.286A S5.286B S5.271 | **455 – 456**<br>FIXED<br>MOBILE<br>S5.271 S5.286B |
| **456 – 459** | FIXED<br>MOBILE<br>S5.271 S5.287 S5.288 | |
| **459 – 460**<br>FIXED<br>MOBILE<br>S5.271 S5.286B | **459 – 460**<br>FIXED<br>MOBILE<br>MOBILE-SATELLITE (Earth-to-space)<br>S5.209 S5.271A S5.286A S5.286B S5.271 | **459 – 460**<br>FIXED<br>MOBILE<br>S5.271 S5.286B |
| **460 – 470** | FIXED<br>MOBILE<br>Meteorological-Satellite (space-to-Earth)<br>S5.287 S5.288 S5.289 S5.290 | |

MOD

MOD

**MOD S5.280** In Germany, Austria, Bosnia and Herzegovina, Croatia, The Former Yugoslav Republic of Macedonia, Liechtenstein, Portugal, Slovenia, Switzerland and Yugoslavia, the band 433.05 - 434.79 MHz (centre frequency 433.92 MHz) is designated for industrial, scientific and medical (ISM) applications. Radiocommunication services of these countries operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. **S15.13**.

**NOC S5.281** *Additional allocation:* in the French Overseas Departments in Region 2 and India, the band 433.75 - 434.25 MHz is also allocated to the space operation service (Earth-to-space) on a primary basis. In France and in Brazil, the band is allocated to the same service on a secondary basis.

**NOC S5.282** In the bands 435 - 438 MHz, 1 260 - 1 270 MHz, 2 400 - 2 450 MHz, 3 400 - 3 410 MHz (in Regions 2 and 3 only) and 5 650 - 5 670 MHz, the amateur-satellite service may operate subject to not causing harmful interference to other services operating in accordance with the Table (see No. **S5.43**). Administrations authorizing such use shall ensure that any harmful interference caused by emissions from a station in the amateur-satellite service is immediately eliminated in accordance with the provisions of No. **S25.11**. The use of the bands 1 260 - 1 270 MHz and 5 650 - 5 670 MHz by the amateur-satellite service is limited to the Earth-to-space direction.

**NOC S5.283** *Additional allocation:* in Austria, the band 438 - 440 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

**MOD S5.284** *Additional allocation:* in Canada, the band 440 - 450 MHz is also allocated to the amateur service on a secondary basis.

**NOC S5.285** *Different category of service:* in Canada, the allocation of the band 440 - 450 MHz to the radiolocation service is on a primary basis (see No. **S5.33**).

**MOD S5.286** The band 449.75 - 450.25 MHz may be used for the space operation service (Earth-to-space) and the space research service (Earth-to-space), subject to agreement obtained under No. **S9.21**.

**ADD** S5.286A Stations in the mobile-satellite service in the bands 455 - 456 MHz and 459 - 460 MHz shall not constrain the development and use of the fixed and mobile services.

**ADD** S5.286B Stations in the mobile-satellite service in the bands 455 - 456 MHz and 459 - 460 MHz shall not cause harmful interference to, or claim protection from, stations of the fixed or mobile services.