

ORIGINAL
RECEIVED
AUG 26 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

In the Matter of)
)
)
1998 Biennial Regulatory Review — Amendment of)
Commission's Rules to Further Streamline the)
Equipment Authorization Process for Radio Fre-)
quency Equipment, Modify the Equipment Authori-)
zation Process for Telephone Terminal Equipment,)
Implement Mutual Recognition Agreements, and)
Begin Implementation of the Global Mobile Personal)
Communications by Satellite Arrangements)

GEN Docket No. 98-68

**JOINT REPLY OF GLOBALSTAR, L.P. AND
AIRTOUCH SATELLITE SERVICES U.S., INC.**

Globalstar, L.P.¹ and AirTouch Satellite Services U.S., Inc.² hereby file these
reply comments in the above-captioned proceeding.

¹ Globalstar, L.P. ("Globalstar") is the entity formed to obtain investment in and coordinate international service for the Globalstar MSS systems. Globalstar owns and operates the global satellite business, and holds the right to offer space segment capacity. The Globalstar satellite system authorization is held by L/Q Licensee, Inc. ("LQL"). *See Loral/QUALCOMM Partnership, L.P.*, 10 FCC Rcd. 2333 (Int'l. Bur. 1995), *affirmed*, 11 FCC Rcd. 18502 (1996). The authorization was originally granted to Loral/QUALCOMM Partnership, L.P., which is the parent corporation of LQL, and assigned to LQL in September 1995. *See* File No. 148-SAT-AL-95. Neither LQL nor Globalstar offer services directly to the public; rather, the service providers in each country or territory in which Globalstar services are offered have contracted with Globalstar for space segment capacity.

² AirTouch Satellite Services U.S., Inc. ("AirTouch Satellite"), a wholly-owned subsidiary of AirTouch Communications, Inc., will provide LEO mobile satellite services through Globalstar in countries throughout the world, including the United States. To that end, on July 10, 1997, AirTouch Satellite filed an application for blanket license to construct and operate up to 500,000 hand held, vehicular, and fixed earth terminals. *See AirTouch Satellite Services U.S., Inc.*, Application for Blanket Authorization to Construct and Operate up to 500,000 Mobile Satellite Earth Terminals Through the Globalstar Mobile Satellite System, File No. 1367-DES-P/L-97, as amended (April 29, 1998).

Number of Copies rec'd 025
CLASS CODE DET

I. INTRODUCTION

As part of the biennial review of its rules, the Commission issued the above-referenced *NPRM* making several proposals regarding equipment authorization procedures.³ Specifically, the Commission proposes to authorize designated private entities in the United States to approve equipment as an alternative to Commission certification.⁴ The Commission also proposes to implement the Mutual Recognition Agreement (“MRA”) between the United States and the European Community (“EC”) as well as the Asia Pacific Economic Cooperation (“APEC”) MRA by permitting products to be tested by designated private entities in the United States for compliance with the technical requirements of other MRA countries and vice versa.⁵ Compliant equipment could then be approved for sale in the MRA countries, with no further certification.

The Commission proposes further to adopt an interim procedure to allow Global Mobile Personal Communications by Satellite (“GMPCS”) terminals to be submitted for certification upon meeting applicable Part 25 and Part 1 standards concerning frequency range, tolerance, out-of-band emission limits, spurious emission limits, and radiation hazards.⁶ This

³ See *1998 Biennial Regulatory Review — Amendment of Commission’s Rules to Further Streamline the Equipment Authorization Process for Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements, and Begin Implementation of the Global Mobile Person Communications by Satellite Arrangements*, GEN Docket No. 98-68, *Notice of Proposed Rulemaking*, FCC 98-92 (rel. May 18, 1998) (“*NPRM*”).

⁴ See *NPRM* at ¶ 11.

⁵ See *id.* at ¶¶ 33-35.

⁶ *Id.* at ¶ 45.

procedure is intended as an interim step in the Commission's implementation of the GMPCS Memorandum of Understanding ("GMPCS MOU") and the Arrangements thereunder.⁷

Approvals granted for GMPCS equipment operating in the 1610-1626.5 MHz band would be specifically conditioned upon the ability of the equipment to meet the most stringent out-of-band ("OOB") emission limits for the band 1559-1605 MHz proposed by the National Telecommunications Information Administration ("NTIA") for implementation by the year 2005.⁸ The Commission also announced its intent to initiate a separate rulemaking to consider the NTIA proposal to develop additional OOB limits to protect GNSS equipment operating in the 1559-1605 MHz band.⁹

The majority of the comments filed in this proceeding are supportive of the Commission's efforts to streamline its equipment authorization procedures and to implement the U.S./EC and the APEC MRAs.¹⁰ As discussed below, Globalstar and AirTouch Satellite generally support the Commission's proposals to implement the MRAs and to adopt a voluntary, interim equipment certification procedure. However, Globalstar and AirTouch Satellite submit

⁷ *Id.* at 39.

⁸ *Id.* Specifically, out-of-band emission limits of -70 dBW/MHz averaged over any 20 ms period for broadband emissions occurring between 1559-1605 MHz and -80 dBW/700 Hz for narrowband emissions occurring in the same band.

⁹ *Id.*

¹⁰ *See, e.g.*, Comments of Cisco Systems, Inc.; Comments of Final Analysis Communication Services, Inc.; Comments of ICO Global Communications; Comments of Iridium, LLC, Comments of the Information Technology Industry Council; Comments of LEO One USA Corporation; Comments of Lockheed Martin Corporation; Comments of Metricom, Inc.

that the Commission should disregard comments challenging OOB emission limits in this proceeding.

II. IMPLEMENTATION OF MUTUAL RECOGNITION AGREEMENTS

Globalstar and AirTouch Satellite support the Commission's efforts to implement the U.S./EC MRA and the APEC/MRA. Implementation of these MRAs will facilitate the free circulation of telecommunications equipment by removing impediments to exporting such equipment. Prompt implementation of the MRAs will thus promote the rapid development and deployment of the important new global voice, data, and broadband satellite services such as "Big LEO" MSS systems. The Commission has long recognized that MSS systems will offer "an almost limitless number of services" and will "help meet the demand for a seamless nationwide and eventually global communications system that is available to all."¹¹ There can be no doubt that rapid deployment of MSS services will serve the public interest.

III. THE INTERIM GMPCS CERTIFICATION PROCESS IS VOLUNTARY

Globalstar and AirTouch Satellite agree with Iridium LLC ("Iridium") and Orbital Communications Corporation ("ORBCOM") that the proposed interim GMPCS certification process is voluntary and does not affect existing blanket license procedures.¹² The language of the *NPRM* makes clear that the Commission "intend[s] to allow GMPCS equipment *to be voluntarily submitted for certification*, on an interim basis" ¹³ Further, the technical

¹¹ *Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5 MHz/2483.5-2500 MHz Bands*, 9 FCC Rcd. 5936, 5940 ¶ 3 (1994) ("Big LEO Order").

¹² Iridium Comments at 4; ORBCOM Comments at 6-8.

¹³ *NPRM* at ¶ 45.

requirements proposed for certification under the interim process do not match the existing service rules. Thus, the interim certification process is intended to be and should be a voluntary program only.

Nevertheless, as Iridium point out in its comments, the proposed rule includes language which suggests the procedure could be viewed as mandatory.¹⁴ Consequently, clarification that the interim GMPCS certification program is voluntary is warranted. Again, Globalstar and AirTouch Satellite are willing to support the interim certification process as a voluntary program. The technical requirements and proposed OOB criteria are consistent with the emission limits in the ITU WP8D recommendation (ITU-R/M.1343) and should facilitate roaming for certified terminals. The criteria therefore are appropriate for the interim certification process on a voluntary basis.

IV. THE COMMISSION SHOULD NOT ADDRESS OOB EMISSION LIMITS IN THIS PROCEEDING

Several parties ask the Commission to delay or reject the proposed GMPCS interim certification procedures pending development of final OOB emission limits for GMPCS terminals.¹⁵ Stated broadly, these parties base their requests for delay upon challenges to the efficacy of the proposed NTIA standards for protecting the U.S. Global Positioning System

¹⁴ Iridium Comments at 4.

¹⁵ See Comments of LSC, Inc. ("LSC Comments"); Comments of Raytheon Systems Company ("Raytheon Comments"); Comments of the U.S. GPS Industry Council ("Council Comments"); Comments of Mobile Communications Holdings, Inc. ("MCHI Comments"); Comments of Constellation Communications, Inc. ("Constellation Comments").

("GPS") and Russian GLONASS system from harmful interference.¹⁶ For example, LSC, Inc., the U.S. GPS Industry Council and Raytheon Systems Corporation, all argue that the proposed NTIA standard at 2005 is insufficient to protect GPS and GLONASS. Constellation Communications, Inc. ("Constellation"), on the other hand appears to believe that the NTIA standard is too stringent.¹⁷

These parties are attempting to reopen long-resolved issues regarding protection for GPS.¹⁸ As Motorola, Inc. ("Motorola") and the Telecommunications Industry Association

¹⁶ LCS Comments at 1-2; Raytheon Comments at 1; Council Comments at 6-9. MCHI takes no position on the adequacy of the OOB limits proposed by NTIA, but argues that permitting GMPCS certification based upon proposed OOB limits could lead to regulatory and administrative uncertainty and create an unfair competitive advantage to Big LEO systems certified under the interim procedures.

¹⁷ *Id.* at 3.

¹⁸ *Big LEO Order*, 9 FCC Rcd. at 5987-88. In addition, Aeronautical Radio, Inc. ("ARINC") and AMSC Subsidiary Corporation ("AMSC") raise other issues that are largely speculative, outside the scope of this proceeding, and should be disregarded. ARINC raises concerns that, under the NTIA proposal, MSS mobile earth terminals will be placed into service with no assurance that they will comply with the -70 dBW/MHz OOB emission in 2005. ARINC Comments at 3. This concern is illusory. MSS service providers will be under a regulatory obligation to comply with whatever OOB emission standards the Commission adopts. ARINC also observes that MSS providers have never explained why METs should be exempt from equipment certification requirements. *Id.* at 4. In fact, the Commission has never established such a requirement and it is not incumbent upon MSS carriers to explain the Commission's policy judgments.

AMSC raises concerns about permitting a foreign-licensed satellite system to market services in the United States. AMSC Comments at 5. This argument is mere speculation. The issues presented in the *NPRM* relate to the certification of equipment, not the authorization of service providers to market services in the U.S. AMSC also urges the Commission to adopt procedures to prevent the provision of unauthorized service in the U.S. *Id.* at 5. In reality, the Commission already prohibits unauthorized transmissions and violations of that rule fall within the enforcement authority of the Commission.

("TIA") correctly point out, however, arguments regarding OOB limits for GMPCS terminals are inappropriately raised in this proceeding and should be disregarded.¹⁹

Globalstar and AirTouch Satellite agree with Motorola and TIA — nothing in the *NPRM* solicits comment on the adequacy of NTIA's proposals regarding interference protection for GPS and GLONASS. Indeed, the Commission expressly reserved such issues for a future proceeding.

[A]s part of our future implementation of a certification procedure for GMPCS equipment, we intend to request comment on whether our current requirements for mobile earth terminals are adequate to prevent interference or are too severe.²⁰

Instead of establishing final OOB limits in this proceeding, the Commission stated that it "will be conditioning . . . interim approval for GMPCS terminal equipment operating in the band 1610-1626.5 MHz on the ability of the applicant to meet the strictest out-of-band emission limit proposed at this time, specifically, NTIA's out-of-band emission limit[s]" for the year 2005.²¹ There is no basis for the Commission to deviate from this approach. This proceeding was designed to expedite deployment of important new satellite services by facilitating global distribution of GMPCS terminals. Accordingly, the Commission has already proposed the worst-case OOB protection limit. There is another proceeding to consider this issue and so delay is not warranted here and is not in the public interest.

¹⁹ Comments of Motorola, Inc. at 15-16; Comments of the Telecommunications Industry Association ("TIA") at 13-15. Rockwell International Corporation ("Rockwell") similarly notes that "[p]rudence dictates that the Commission use the [NTIA] standard in approving GMPCS terminals until the Commission has an opportunity to fully address the issue." Rockwell Comments at 4.

²⁰ *NPRM* at ¶ 39.

²¹ *Id.* at ¶ 45.

Expedient certification of terminals would be a major benefit to the global satellite industry, since approval is recognized by many foreign countries as sufficient to allow the equipment to transit borders. . . .²²

Moreover, relying on the NTIA proposal pending adoption of a final OOB emission standard is the reasonable and prudent course. The Commission has established MSS OOB emission standards specifically to protect GPS.²³ In addition, the Commission has made clear that MSS satellite operators, service providers and mobile earth terminal manufacturers “are advised that all final FCC equipment approvals will be conditioned on meeting the requirements and procedures adopted in our future GMPCS MOU implementation proceeding, *including the specific spurious and out-of-band emission limits adopted in that proceeding.*”²⁴ Thus, adoption of an interim OOB standard does not deprive GPS and GLONASS of any current protections and will *not* prejudice the Commission’s consideration of the appropriate OOB emission limits in the upcoming proceeding. It is apparent that the comments challenging the proposed interim OOB emission standard are intended solely to delay this proceeding and should be disregarded.

²² *Id.* at ¶ 39.

²³ *See* 47 C.F.R. § 25.213(b); *Big LEO Order*, 9 FCC Rcd. at 5987-88 ¶¶ 130-33.

²⁴ *NPRM* at ¶ 46 (emphasis supplied). MCHI asserts that this assurance is not sufficient and asks the Commission to require that terminals certified through the interim procedures be leased, not sold, to consumers to facilitate retrieval and modification to meet final OOB emission standards. MCHI Comments at 7. Globalstar and AirTouch Satellite oppose MCHI on this point. The decisions associated with whether to lease or sell terminals and how to address the risk of having to modify existing terminals to meet final OOB standards are fundamental business decisions that should be left to the discretion of individual companies.

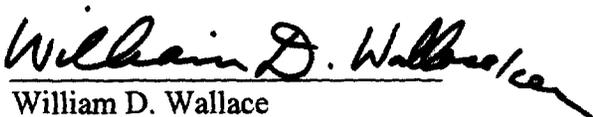
CONCLUSION

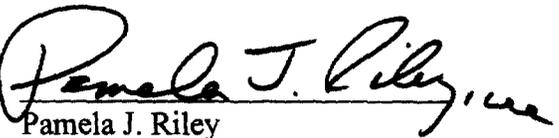
Globalstar and AirTouch Satellite support the Commission's proposals to implement MRAs and its other proposals to implement the GMPCS MOU Arrangements. The Commission should also affirm its decision to defer any consideration of final GMPCS OOB emission standards to the NTIA rulemaking in RM-9165.

Respectfully submitted,

GLOBALSTAR, L.P.

AIRTOUCH SATELLITE SERVICES U.S., INC.

By: 
William D. Wallace

By: 
Pamela J. Riley
David A. Gross
Steve B. Sharkey

Crowell & Moring, LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 624-2500

AirTouch Communications, Inc.
1818 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 293-3800

William F. Adler
Vice President, Legal and
Regulatory Affairs
Globalstar, L.P.
3200 Zanker Road
San Jose, CA 95134
(408) 933-4400

Date: August 26, 1998

CERTIFICATE OF SERVICE

I, Jo-Ann G. Monroe, hereby certify that on this 26th day of August, 1998, I caused copies of the foregoing Joint Reply of Globalstar, L.P. and AirTouch Satellite Services U.S., Inc. to be served by hand to the following:

The Honorable William E. Kennard
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

The Honorable Gloria Tristani
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

The Honorable Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Hugh L. Van Tuyl
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 406
Washington, D.C. 20554

The Honorable Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Julius P. Knapp
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W., Room 425
Washington, D.C. 20554

The Honorable Michael Powell
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

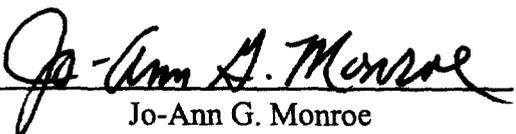
Geraldine Matise
Common Carrier Bureau
Federal Communications Commission
2000 M Street, N.W., Room 235-A
Washington, D.C. 20554

Vincent M. Paladina
Common Carrier Bureau
Federal Communications Commission
2000 M Street, N.W., Room 210-Q
Washington, D.C. 20554

International Transcription Service Inc.
1231 20th Street, N.W.
Washington, D.C. 20036

Regina Keeney
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 830
Washington, D.C. 20554

Tracey Weisler
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 509
Washington, D.C. 20554


Jo-Ann G. Monroe