

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

In the Matter of )  
)  
Establishing Rules and Policies for )  
the Use of Spectrum for Mobile- )  
Satellite Service in the Upper and )  
Lower L-band )

IB Docket No. 96-132

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**OPPOSITION OF AMSC SUBSIDIARY CORPORATION  
TO MOTION TO REFRESH THE RECORD**

AMSC Subsidiary Corporation ("AMSC") hereby urges the Commission to reject the Motion To Refresh the Record, filed April 15, 1999 by Iridium LLC and Motorola, Inc. ("Iridium").

Wireless communications systems need access to spectrum to operate and they need consistent regulatory policies concerning that spectrum. The Commission granted AMSC a license to operate an MSS system that it said would need access to at least 10 MHz.<sup>1</sup> In the *Lower L-band NPRM*, the Commission recognized that the lower L-band plays a vital role in coordination of access to that 10 MHz.<sup>2</sup> Investors in AMSC's system, including resellers that have developed their own MSS products and users that have purchased their own equipment, have made their investments based on the reasonable expectation that the Commission would maintain this policy.

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<sup>1</sup> See Notice of Proposed Rule Making, Docket No. 84-1234, 50 FR 8149, para. 23 (January 28, 1985); Memorandum Opinion, Order and Authorization, 4 FCC Rcd 6041 (1989); Final Decision on Remand, 7 FCC Rcd 266 (1992); *aff'd sub nom.* Aeronautical Radio, Inc. v. FCC, 983, F.2d 275 (D.C. Cir. 1993).

<sup>2</sup> Notice of Proposed Rulemaking, Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the Upper and Lower L-band, IB Docket No. 96-132, 11 FCC Rcd 11675, paras. 9-11, 16 (June 18, 1996)

AMSC has spent \$650 million to launch its system, which has been operational for little more than three years. Since launch, its satellite revenues have doubled every year. Nonetheless, AMSC's competitors continue to use the Commission's processes to call into question the company's access to the spectrum for which it was licensed and which it needs to provide service and develop. Iridium is the latest to join the chorus, arguing that the Commission should not use the lower L-band to help AMSC coordinate access to sufficient spectrum.

As an initial matter, Iridium appears to have forgotten the proverb that "people in glass houses shouldn't throw stones." According to press reports, Iridium lost over \$500 million in just the first quarter of 1999 and has experienced disappointing sales. These results make it clear that Iridium today does not need the spectrum that it was assigned in 1995.

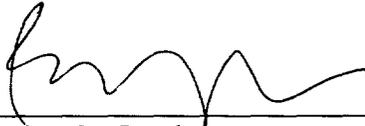
The current spectrum needs of Iridium and AMSC, however, should not be the issue. All that should matter at this early stage for both companies and for the public interest is having stable Commission spectrum access policies. The development of a new satellite service is a difficult one, as Iridium is learning. There are challenges that require innovation, flexibility, and patience. Both Iridium and AMSC should be able to rely on consistent Commission policies for access to their core spectrum during the terms of their licenses. Historically, the Commission has

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recognized this and provided licensees with ample support as long as they met their milestones. AMSC therefore urges the Commission to reinforce that practice here and reject the Iridium petition.

Respectfully submitted,

**AMSC SUBSIDIARY CORPORATION**



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April 28, 1999

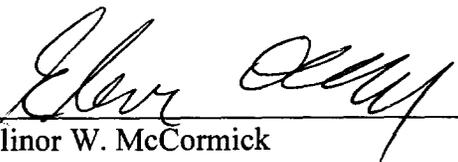
**CERTIFICATE OF SERVICE**

I, Elinor W. McCormick , a secretary to the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., hereby certify that on this 28th day of April 1999, I served a true copy of the foregoing **“OPPOSITION OF AMSC SUBSIDIARY CORPORATION TO MOTION TO REFRESH THE RECORD”** by first class United States Mail, postage prepaid, upon the following:

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