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June 21, 1999

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VIA HAND DELIVERY

Magalie Salas, Esquire
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

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JUL 12 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: RM-9649

Dear Ms. Salas:

Transmitted herewith on behalf of Iridium LLC are the original and four (4) copies of its Opposition to Request and Petition in the above-referenced proceeding.

One extra copy of this filing is attached hereto, and it is requested that the copy be stamped as received on this date and that it be returned to the undersigned.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

IRIDIUM LLC

Patricia A. Mahoney
Assistant General Counsel
Regulatory and Trade Policy

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Enclosure
cc (w/ encl.): Donald Abelson, Chief, International Bureau
Thomas Tycz, Chief, Satellite & Radiocommunication Division

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**BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554**

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In the Matters of)
)
Request for Declaratory Ruling on)
Partial-Band Licensing of Earth Stations)
In the Fixed-Satellite Service That Share)
Terrestrial Spectrum)
)
Petition for Rule Making to Set)
Loading Standards for Earth Stations)
In The Fixed-Satellite Service That)
Share Terrestrial Spectrum)

RM-9649

To: The Commission

OPPOSITION TO REQUEST AND PETITION

Iridium LLC ("Iridium")¹ hereby respectfully opposes the above-captioned Request for Declaratory Ruling and Petition for Rule Making (the "Petition") filed on May 5, 1999 by the Fixed Wireless Communications Coalition ("FWCC"). As is demonstrated by the Satellite Industry Association ("SIA") in its "Opposition of the Satellite Industry Association," which Iridium understands will be filed with the Commission on this date ("SIA Opposition"),² the FWCC Petition should be denied or rejected without further action by the Commission.

As the SIA Opposition observes, most of the text of the FWCC Petition is devoted either to a background discussion of the Commission's current rules or to a

¹ Iridium is an applicant for authority to construct and operate the MACROCELL system, which will operate in the 2 GHz bands allocated for mobile satellite service ("MSS") with feeder links in the Ka-band. Iridium is also the commercial operator of the Iridium system, an operating MSS system licensed to a wholly-owned subsidiary of Motorola, Inc.

² Iridium is a member of SIA. Iridium has reviewed a draft of the SIA Opposition that is intended to be filed on this date and is in agreement with and support of the points made therein.

delineation of the FWCC's desired changes in policy and rules. What is entirely lacking is any reasoned basis for change in the *status quo*. The FWCC does not demonstrate any need or rationale for the relief it seeks. It does not demonstrate that the Commission's rules or policies no longer serve the public interest.³ It simply complains that its members "are chronically short of spectrum" and claims, without any support whatsoever, that "earth stations are permitted to 'warehouse' huge amounts of unused" spectrum -- even if that spectrum "is desperately needed by terrestrial operators." See FWCC Petition at 4. Throughout its Petition, FWCC offers speculation, exaggeration, and broad, unsupported statements asserted as if they were facts.⁴

The only apparent reason for the FWCC Petition is that there is a difference between the rules governing the fixed services ("FS") and the rules governing the fixed *satellite* services ("FSS"). The FWCC Petition seems to suggest that a mere difference in regulatory treatment between two undeniably different and diverse services is sufficient to justify a rule change without any showing that specific characteristics of the services merit similar treatment.⁵ The SIA Opposition discusses the policy and practical reasons why these two different services are and should continue to be treated separately under the Commission's rules, and Iridium will not repeat them here.

It should be noted, however, that the disparity in treatment claimed by the FWCC does not, according to its own Petition, apply to all of the bands shared

³ Indeed, most of the FWCC Petition appears to be predicated on a single, oblique reference to one unidentified claim of an apparently unsuccessful attempt by one FWCC member to coordinate with a single earth station. See FWCC Petition at 10, n.17.

⁴ See, e.g., FWCC Petition at 5, note 12, wherein the FWCC acknowledges a conclusion reached by the Commission with respect to satellite coordination and then simply asserts, without any support, that it "is no longer true 32 years later."

⁵ The FWCC Petition also fails to recognize that there are different types and functions of earth stations utilized with different types and functions of satellites and satellite services.

coequally by the FSS and terrestrial services; yet its proposed policy and rules would apply indiscriminately to all earth stations. By the FWCC's own articulated rationale, its proposed policy and rules should not apply in the bands 17.700-19.700 GHz and 27.500-29.500 GHz. See FWCC Petition at 3-4 & n. 7. This is particularly the case with respect to the 29.10-29.25 GHz portion of the band, for which, as FWCC acknowledges, "the Commission imposed special restrictions on both the Fixed Service and the FSS to facilitate sharing in this segment." *Id.* at n. 7.

For the foregoing reasons, the Commission should deny and reject the FWCC's above-captioned request for a declaratory ruling and petition for a rule making proceeding to modify the policies and rules with respect to FSS earth station spectrum assignment and coordination. The relief that FWCC advocates cannot be justified and would be contrary to the public interest.

Respectfully submitted,

IRIDIUM LLC



Patricia A. Mahoney,
Assistant General Counsel
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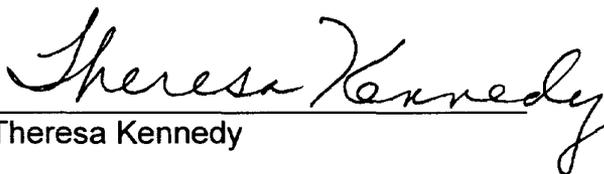
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July 12, 1999

CERTIFICATE OF SERVICE

I, Theresa Kennedy, do hereby certify that on this 12th day of July, 1999, true copies of the foregoing were sent by United States mail, first-class, postage pre-paid, to the following:

Jack Keating, President
Association of Public-Safety Communications
Officials International, Inc.
1666 K Street, N.W.
Suite 1100
Washington, DC 20006


Theresa Kennedy