

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

In the Matter of)	
)	
The Establishment of Policies)	IB Docket No. 99-81
And Service Rules for the Mobile)	RM-9328
Satellite Service in the 2 GHz Band)	

To: The Commission

REPLY COMMENTS

Pursuant to Section 1.415 of the Federal Communications Commission's (FCC) Rules, the United Telecom Council (UTC), hereby replies to the comments submitted in response to the FCC's *Notice of Proposed Rulemaking (NPRM)* in the above-captioned proceeding. While UTC's comments focused on a number of issues, including the allocation of fixed spectrum for satellite feeder links, UTC's Reply Comments are limited to the issue of the established relocation framework and ICO Services Limited's (ICO) continuing efforts to undermine the established relocation framework..

In its comments, UTC strongly supported the FCC's determination that the established relocation framework governing the relocation of incumbents from emerging technology band will apply to mobile satellite system (MSS) licensing, and urged the FCC not to weaken these protections. This framework provides that incumbent licensees remain co-primary in the band unless or until they are relocated from the band to comparable facilities in other bands. UTC also urged the FCC to quickly resolve all

outstanding issues pertaining to the relocation of incumbent systems from the upper 2 GHz band.

ICO, in its comments, continued its on-going campaign against the established relocation rules. ICO reiterated its request that all new incumbent microwave and broadcast auxiliary service licensees issued since the FCC's *First Report and Order and Further Notice of Proposed Rulemaking* in WT Docket No. 95-18 be made secondary. According to ICO, by granting renewals on a secondary basis, the FCC can "very well eliminate" the need for some MSS licensees to pay relocation costs at all.¹

UTC urges the FCC to again reject attempts by ICO to undermine the FCC's established relocation rules. As UTC noted in response to ICO's *Petition for Reconsideration on the Memorandum Opinion and Order (MO&O)* in WT Docket No. 95-18, ICO's attempt to raise the issue of the applicability of the FCC's established relocation framework at this late date is inappropriate.² The decision to require new emerging technology licensees to reimburse incumbents in the 2 GHz band has been settled since 1992, when the FCC outlined the basic relocation framework that would to the entire 2 GHz band, including the spectrum eventually allocated for MSS.³

¹ ICO Comments at p. 8.

² UTC *Opposition to Petitions for Clarification*, WT Docket No. 95-18 (filed February 22, 1999).

³ Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies, ET Docket No. 92-9, *First Report and Order and Third Notice of Proposed Rulemaking*, 7 FCC Rcd 6886 (1992).

MSS applicants have been on notice regarding their relocation obligations since the FCC first proposed to reallocate a portion of the emerging technology band to MSS in 1995. MSS applicants such as ICO have supported the introduction of MSS in the upper 2 GHz band, all the while knowing that the FCC had established relocation rules for this band. UTC therefore urges the FCC to reject ICO's proposed modification of the established relocation rules, and once again urges ICO to finally accept the FCC's established rules and to work with UTC and others representing incumbents to ensure a smooth transition of the upper 2 GHz band.

WHEREFORE, THE PREMISES CONSIDERED, UTC requests the Federal Communications Commission to take action in accordance with the views expressed above.

Respectfully submitted,

United Telecom Council (UTC)

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