

ORIGINAL

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

In the Matter 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)

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RM-9649

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY OF GE AMERICAN COMMUNICATIONS, INC.

GE American Communications, Inc. ("GE Americom"), by its attorneys and pursuant to Sections 1.2 and 1.405 of the Commission's Rules, 47 C.F.R. §§ 1.2 & 1.405, hereby replies to the filings of other parties in response to the above-captioned Request for Declaratory Ruling and Petition for Rule Making of the Fixed Wireless Communications Coalition ("FWCC Petition" or "Petition"). The record in this proceeding reflects unanimous agreement that the relief requested in the Petition is unwarranted and would seriously harm critical earth station operations. Accordingly, the Commission should summarily deny the Petition without taking any further action.

In its Opposition to the Petition, GE Americom demonstrated that flexibility is critical to earth station operators in order to permit them to respond to customer demands and to restore service in the event of an outage. GE Americom

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Opposition at 5-7. GE Americom showed that the Commission's long-standing policies for earth station licensing and coordination are properly tailored to the technical and economic realities of satellite services. *Id.* Thus, contrary to the FWCC's assertions, these policies do not favor earth stations over terrestrial microwave services but reflect basic differences between the two types of operations. Finally, GE Americom showed that the new policies proposed by FWCC would significantly burden earth station operators and Commission personnel and would greatly complicate coordination efforts. *Id.* at 10-12.

Other parties echoed GE Americom's objections to the Petition. For example, both HBO and Williams provided concrete evidence concerning the need for earth station operators to change frequencies quickly in order to provide service over different satellites or transponders. HBO Opposition at 2, 4-5; Williams Opposition at 1-2. Sprint demonstrated that the FWCC Petition would prevent Sprint and other carriers from obtaining circuits from Intelsat for international service, jeopardizing their ability to serve numerous countries. Sprint Opposition at 3-4. ^{1/} SkyBridge explained that the Petition's proposals for changes to coordination procedures are based on incorrect assumptions and would be unworkable in practice. SkyBridge Comments at 3-6. The Satellite Industry

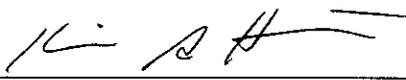
^{1/} Sprint suggests that the Commission could put out a Notice of Inquiry to explore issues relating to licensing and coordination in spectrum shared between earth stations and terrestrial services. *Id.* at 4. However, the record here does not support any move to re-examine the Commission's existing policies.

Association and COMSAT both presented comprehensive rebuttals to each of the Petition's arguments.

Meanwhile, not a single entity stepped forward to support the Petition. In light of the unanimous opposition to the Petition, the Commission should dismiss the Petition and retain its existing earth station licensing and coordination policies.

Respectfully submitted,

GE AMERICAN COMMUNICATIONS, INC.

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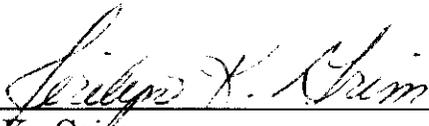
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