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VIA COURIER

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Permitted Written *Ex Parte* Presentation
IB Docket No. 99-81
RM-9328**

Dear Secretary Salas:

The Boeing Company ("Boeing"), by its attorneys and pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, hereby submits this permitted written *ex parte* presentation in order to clarify an assertion made by Globalstar, L.P. ("Globalstar") in recent supplemental comments filed with the Commission.

By *Public Notice* released on February 7, 2000, the Commission invited parties to file supplemental comments on a proposed hybrid spectrum assignment methodology to be used in assigning spectrum to Mobile Satellite Service ("MSS") licensees in the 2 GHz frequency band ("2 GHz MSS band").¹ Boeing and Globalstar, among others, filed supplemental comments in response to the *Public Notice*.² In its supplemental comments, Globalstar asserts that Boeing has not proposed to provide MSS services in the 2 GHz MSS band and needs not be accommodated in the band.³ This assertion is wrong because Boeing does propose a MSS system for accommodation in the 2 GHz MSS band.

¹ *International Bureau Requests Further Comment on Selected Issues Regarding Authorization of 2 GHz MSS Systems*, Public Notice, DA 00-222 (Feb. 7, 2000) ("*Public Notice*").

² See *Supplemental Comments of the Boeing Company*, IB Docket No. 99-81 (Feb. 17, 2000) ("*Boeing Supplemental Comments*"); see also *Supplemental Comments of Globalstar, L.P.*, IB Docket No. 99-81 (Feb. 17, 2000) ("*Globalstar Supplemental Comments*").

³ See *Globalstar Supplemental Comments* at 15 n.9.

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Globalstar's assertion is presumably based on Boeing's intent to provide Aeronautical Mobile Satellite Route Services ("AMS(R)S") in the 2 GHz band. AMS(R)S refers to Aeronautical Mobile-Satellite Services ("AMSS") involving communications relating to safety and regularity of flights.⁴ AMSS is in turn defined as a specific type of MSS "in which mobile earth stations are located on board aircraft . . ."⁵ Accordingly, AMS(R)S is simply a particular type of MSS service.

In prior comments filed with the Commission and referenced in its supplemental comments, Globalstar has tried to argue that providing AMS(R)S services in the 2 GHz band is inconsistent with the allocation of the band for MSS services.⁶ This argument is unpersuasive, and the Commission has itself stated that it considers Boeing's system to be a MSS system for the purpose of the 2 GHz MSS proceeding.⁷

Furthermore, Globalstar's assertion contradicts its position taken earlier in the proceeding. In comments filed with the Commission, Globalstar previously affirmed that it "has no objection to permitting Boeing to provide AMS(R)S in [the 2 GHz MSS band] as long as it seeks no extraordinary protection for the service within the intrasystem coordination requirements that are adopted for the spectrum it shares with other licensees."⁸ Globalstar also argued that "each system should have the flexibility to provide the services it deems marketable as long as the parameters of the intrasystem coordination process apply equally to all and give no one system any particular advantage to accommodate a specialized service."⁹

Consistent with what Globalstar itself has recited in its previous statements, Boeing seeks to provide appropriate MSS services in the 2 GHz band. Boeing is not seeking extraordinary protection for its system and has not sought regulatory mandates for priority and preemption in the 2 GHz MSS band.¹⁰ Instead, Boeing believes the safety and reliability of its AMS(R)S

⁴ See 47 C.F.R. § 2.1(c) (1999); see also ITU Radio Regulation s. 3.16A.

⁵ See 47 C.F.R. § 2.1(c); ITU Radio Regulations s. 316; see also *Mobile Satellite Service in the 1530-1544 MHz and 1626.5-1645.5 MHz Bands*, 8 FCC Rcd 4246, 4259 (1993); *Licensing Procedures for Aircraft Earth Stations*, 7 FCC Rcd 5895, 5895 n.3 (1992); *Allocation of Spectrum for the Mobile Satellite Service*, 4 FCC Rcd 6016, 6016 n.3 (1989).

⁶ See *Comments of Globalstar, L.P.*, IB Docket No. 98-91, at 5 (June 24, 1999) ("*Globalstar Comments*").

⁷ See *Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band*, IB Docket No. 99-81, Notice of Proposed Rulemaking, 14 FCC Rcd 4843, 4855 ¶ 22 (1999). The Commission has also noted that absence of a specific AMS(R)S allocation does not bar the provision of AMS(R)S services in MSS spectrum. See *id.* at ¶ 21.

⁸ *Globalstar Comments* at 6.

⁹ *Id.*

¹⁰ See *Reply Comments of The Boeing Company*, IB Docket No. 99-81, at 4 (July 26, 1999).

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transmissions can be ensured through existing FAA and ITU regulations, the technical design of its system, and contractual commitments with its customers.¹¹ Boeing's system is a flexible use of the spectrum that will provide needed and marketable services within the parameters of the intrasystem coordination process.¹² Thus, by Globalstar's own account Boeing's system proposes to provide MSS services that can and should be accommodated in the 2 GHz MSS band.

I appreciate your attention to this matter. Please do not hesitate to contact the undersigned if you have any questions or comments regarding this presentation.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Nall" and "Bruce A. Olcott" in a cursive style.

David A. Nall
Bruce A. Olcott

¹¹ *See id.* at 10.

¹² The great need by the aviation industry for AMS(R)S services is well documented in Boeing's 2 GHz MSS Application. *See Boeing 2 GHz MSS Application*, File No. 179-SAT-P/L/97(16), SAT-AMD-19980318-00021 (90-SAT-AMEND-98) at 6-14 (Sep. 26, 1997).

CERTIFICATE OF SERVICE

I, Stephen J. Duall, hereby certify that I have on this 3rd day of March, 2000, caused to be served true and correct copies of the foregoing "Permitted *Ex Parte* Presentation of the Boeing Company" upon the following parties via hand delivery (marked with an asterisk (*)), or by first-class United States mail, postage prepaid.

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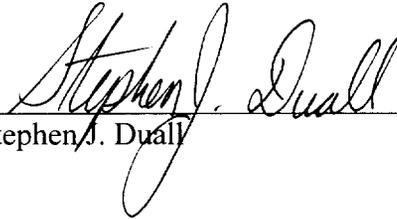
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