

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Redesignation of the 17.7-19.7 GHz	)	
Frequency Band, Blanket Licensing of	)	
Satellite Earth Stations in the 17.7-20.2 GHz	)	IB Docket No. 98-172
and 27.5-30.0 GHz Frequency Bands, and	)	RM-9005
the Allocation of Additional Spectrum in	)	RM-9118
the 17.3-17.8 GHz and 24.75-25.25 GHz	)	
Frequency Bands for Broadcast Satellite	)	
Service Use	)	

**Comments of Lockheed Martin Global Telecommunications**

Lockheed Martin Global Telecommunications, Inc. (“LMGT”), a wholly-owned subsidiary of Lockheed Martin Corporation (“Lockheed Martin”), hereby submits these comments in support of the Opposition and Comments of ASTROLINK International LLC (“Astrolink”) filed in the above-referenced proceeding.<sup>1</sup> Lockheed Martin is a second-round Ka-band satellite applicant as well as a significant investor Astrolink, and therefore is directly affected by the outcome of this reconsideration proceeding.

In its Opposition and Comments, Astrolink urged the Commission to preserve certain elements of the *18 GHz Order*, but to reconsider other aspects of the order that inappropriately favor terrestrial operators over Ka-band satellite licensees. Specifically, Astrolink requested that the Commission: (i) reject attempts by Winstar Communications, Inc. to rewrite the 18 GHz

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<sup>1</sup> See Opposition and Comments of ASTROLINK International LLC, IB Docket No. 98-172, RM-9005 and RM-9118 (filed Nov. 13, 2000); see also Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite Service Use, *Report and Order*, File Nos. IB Docket No. 98-172, RM-9005, RM-9118 (rel. June 22, 2000) (“*18 GHz Order*”).

relocation rules; (ii) redesignate no less than 250 megahertz of exclusive GSO FSS spectrum in the 18.3-18.8 GHz band; (iii) reconsider its “Legacy List” policy; and (iv) make certain clarifying changes to the earth station licensing rules adopted in the *18 GHz Order*. LMGT strongly supports the arguments made by Astrolink in its pleading.

In particular, LMGT agrees that the Commission should retain the current language of Section 25.138, which sets forth operational guidelines for all Ka-band earth stations operating in spectrum allocated exclusively for GSO FSS use. Section 25.138(b), as adopted by the Commission, permits blanket and individually licensed earth stations to operate in excess of the power levels set forth in Section 25.138(a), subject to coordination with affected Ka-band systems. However, pursuant to Section 25.138(c), such non-compliant operations necessarily bear the burden of coordination with subsequently deployed earth stations of existing and future Ka-band licensees. To require otherwise would jeopardize the Commission’s entire blanket licensing regime and associated policy objectives, including the promotion of competition for the benefit of consumers nationwide.

Specifically, the approach set forth in the Commission’s Rules ensures that all existing and future Ka-band satellite licensees have the opportunity to deploy ubiquitous terminals for new satellite-based broadband services across the nation, including rural and remote areas, in the sole primary GSO FSS spectrum. Interference from non-conforming earth stations would undermine the ability of other Ka-band licensees to operate compliant blanket-licensed earth stations; therefore, the Commission correctly established its blanket licensing guidelines as thresholds for routine licensing of other earth stations operating in sole primary GSO FSS spectrum. By preventing non-compliant earth stations from precluding future use of the band, this approach preserves the Commission’s blanket licensing regime as an “efficient means for

licensing the vast number of small antenna FSS earth stations expected to be deployed in the Ka-band.”<sup>2</sup>

Furthermore, requiring non-compliant earth stations to coordinate with subsequently deployed compliant earth stations prevents one competitor from foreclosing competition in any given geographic area from either existing licensees or future licensees, such as the second-round Ka-band applicants including Lockheed Martin. Therefore, the Commission’s current blanket licensing rules appropriately safeguard against any potential anti-competitive efforts to preclude competition in the deployment of ubiquitous user terminals for the provision of new broadband communications services to U.S. consumers.

In sum, the Commission properly recognized that both blanket and individually licensed earth stations will operate in exclusive GSO FSS spectrum and affords all earth stations the flexibility to operate in excess of applicable power levels on an individually coordinated basis. However, because non-conforming operations could undermine future use of the band, the Commission requires licensees of non-compliant earth stations to bear the burden of coordinating with future licensees and reduce their power levels if good faith negotiations fail to achieve a coordination agreement.

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<sup>2</sup> See *18 GHz Order*, ¶15.

For all of the foregoing reasons, LMGT respectfully requests that the Commission take the actions on reconsideration consistent with these Comments.

Respectfully submitted,

Lockheed Martin Global Telecommunications, Inc.

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November 22, 2000

## CERTIFICATE OF SERVICE

I, Vicki Lynne Lyttle, a legal secretary at Dow, Lohnes & Albertson, do hereby certify that on this 22nd day of November, 2000, copies of the foregoing "Comments of Lockheed Martin Global Telecommunications, Inc." were sent via first-class mail, postage prepaid to the following:

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