

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

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

**REPLY OF
THE BOEING COMPANY**

The Boeing Company (“Boeing”), by its attorneys and pursuant to Section 1.429(g) of the Commission’s Rules, 47 C.F.R. § 1.429(g), hereby submits reply comments in response to the Oppositions and Petitions for Reconsideration filed in the above captioned proceeding.¹

I. THE COMMISSION SHOULD REJECT GLOBALSTAR’S ATTEMPT TO REINTRODUCE ITS APPROPRIATELY REJECTED “ALL SHARED” SPECTRUM SHARING APPROACH.

Following years of consideration, the Commission released an order on August 25, 2000 adopting spectrum sharing and service rules for operators of satellite systems in the 2 GHz mobile-satellite service (“2 GHz MSS”).² The spectrum sharing rules that were adopted embodied a carefully crafted compromise involving the diverse interests of nine applicants for licenses, along with the interests of terrestrial services in the 2 GHz

¹ See Public Notice, *Petitions for Reconsideration of Action in Rulemaking Proceedings*, Report No. 2454 (Dec. 5, 2000).

² See *Service Rules for the Mobile Satellite Service in the 2 GHz Band*, FCC 00-302 (Aug. 25, 2000) (“2 GHz MSS Order”).

band and other parties. Boeing participated actively in the discussions – initially supporting a “traditional” spectrum sharing approach, but eventually agreeing to support the Commission’s “flexible” approach (which had already been endorsed by four other applicants³) in order to enable the Commission to grant 2 GHz MSS licenses on an expedited basis.⁴ In the end, the Commission attempted to accommodate a majority of the interested parties by adopting a “hybrid” band sharing approach, which included attributes from several options, primarily the flexible and traditional approaches.

Throughout the negotiation process, one applicant, Globalstar, advocated its own spectrum sharing approach – the “all shared band arrangement.”⁵ As a part of its deliberations, the Commission considered Globalstar’s proposal, discussing it in detail in the order that was issued in this proceeding.⁶ Unfortunately, as the Commission noted in its order, the “all shared” approach has numerous shortcomings that make it impractical for use with 2 GHz MSS systems.⁷ Chief among the drawbacks are the fact that all parties would presumably be forced to adopt the same signal structure as Globalstar in

³ In their comments in Docket Number 99-81, Celsat, MCHI, Inmarsat and TMI expressed support for the flexible band sharing approach. ICO had initially endorsed its own band sharing arrangement, but has since expressed apparent support for the Commission’s flexible approach in the Opposition that it filed against the Petitions for Reconsideration that were submitted in this proceeding. *See ICO Services Limited, Opposition to Petitions for Reconsideration*, IB Docket No. 99-81, at 3-4 (Dec. 28, 2000) (“*ICO Opposition*”).

⁴ *See Reply Comments of The Boeing Company*, IB Docket No. 99-81, at 18 (July 26, 1999).

⁵ *See 2 GHz MSS Order*, ¶ 8.

⁶ *See id.*, ¶¶ 10-11, 26-27.

⁷ *See id.*, ¶ 26.

order to permit co-frequency operations, and would need to complete a detailed coordination for all systems before any licensee could launch its first satellite.⁸ Such requirements would unnecessarily constrain the flexibility of MSS licensees and inject lengthy, if not unending, delay into the process of introducing new services to consumers.

Recognizing these shortcomings, no other 2 GHz MSS applicant endorsed Globalstar's approach and the Commission wisely rejected it in favor of a more flexible alternative. Globalstar's Petition for Reconsideration seeks to reverse this decision without introducing any new arguments that could engender support for its "all shared" alternative. In light of the extensive record in this proceeding and the strong support that has been shown for the hybrid band sharing approach that the Commission has adopted, Boeing endorses the Oppositions of ICO Services Limited and Celsat, which urge the Commission to reject Globalstar's petition to the extent that it seeks to reopen the spectrum sharing negotiations.⁹

Boeing also concurs with ICO, however, in endorsing Globalstar's concern about the Commission's failure to adopt a procedure for promptly redistributing spectrum left fallow by 2 GHz MSS licensees that do not launch their systems by making its available to 2 GHz MSS networks that do successfully come into operation.¹⁰ The Commission should adopt a process in which 2 GHz MSS spectrum retrieved from systems that fail to meet their milestones is automatically divided between all other 2 GHz MSS licensees

⁸ *See id.*

⁹ *See ICO Opposition at 1-4; Celsat America, Inc., Consolidated Opposition to Petitions for Reconsideration*, IB Docket No. 99-81, at 1-4 (Dec. 28, 2000) ("*Celsat Opposition*").

¹⁰ *See ICO at 2, Globalstar, L.P., Petition for Reconsideration*, IB Docket No. 99-81, at 7 (Nov. 3, 2000).

that are in compliance with their milestones. Such an approach would ensure that 2 GHz MSS spectrum left fallow by unsuccessful licensees is promptly brought into efficient use by other MSS networks.

II. THE COMMISSION SHOULD REJECT FINAL ANALYSIS' ELEVENTH HOUR ATTEMPT TO REOPEN THE 2 GHz MSS PROCESSING ROUND.

Boeing also concurs with ICO, Celsat and Globalstar in opposing the petition of Final Analysis seeking to reopen the 2 GHz MSS processing round at a time when spectrum sharing rules have already been adopted and licenses are essentially ready to be issued.¹¹ Final Analysis bases its attempt to reopen the 2 GHz MSS processing round by arguing that several 2 GHz MSS applicants have announced plans to use their systems to provide data services, while the 2 GHz MSS service was originally envisioned to be primarily a “voice” service.¹²

In reality, the Commission acknowledged in its 1995 Notice of Proposed Rule Making on 2 GHz MSS that it was creating the service so that 2 GHz MSS licensees could respond to the “significant consumer demand for convenient mobile services such as telephone, high-rate data and fax, and video.”¹³ It was in part on this basis that Boeing filed a 2 GHz MSS application proposing to launch a system that would provide data services to the aeronautical community. Final Analysis could have also filed an

¹¹ See *ICO* at 4-6; *Celsat* at 5-7; *Globalstar, L.P., Opposition to Petitions for Reconsideration*, IB Docket No. 99-81, at 4-7 (Nov. 3, 2000).

¹² See *Final Analysis, Petition for Reconsideration*, IB Docket No. 99-81, at 2-3 (Nov. 3, 2000).

¹³ *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, FCC 95-39 (Jan. 31, 1995).

application in response to the Commission's September, 1997 cut off notice, but apparently choose not to do so. Reopening the filing window at this time would result in extensive delays in this proceeding, further postponing the provision of services to the public. Therefore, Boeing concurs with the other parties that have opposed Final Analysis' petition.

III. THE COMMISSION SHOULD ALSO DISMISS THE PETITION OF THE WIRELESS COMMUNICATIONS ASSOCIATION AS REPETITIOUS.

Finally, Boeing joins Celsat and Globalstar in opposing the petition of the Wireless Communications Association ("WCA") seeking to limit the power flux density of 2 GHz MSS downlinks at the earth's surface in order to address potential out of band interference. As the Commission noted, WCA failed to provide a technical basis for its request to arbitrarily limit the power of MSS networks.¹⁴ Furthermore, the Commission concluded that past experience demonstrates that adjacent frequency band operations of MSS and the Multipoint Distribution Service is feasible under current Commission's rules.¹⁵ Therefore, no reason exists to reconsider the Commission's decision.

IV. CONCLUSION

After years of negotiations and proceedings, the Commission is now set to issue licenses for MSS systems in the 2 GHz band. The Commission should not create significantly more delay by reopening its deliberations by reconsidering the well-reasoned compromises that are included in its 2 GHz MSS service rules order. Instead,

¹⁴ See *2 GHz MSS Order*, ¶ 160.

¹⁵ See 47 C.F.R. §§ 21.904, 21.908, 35.202(f).

the Commission should deny each of the petitions for reconsideration filed in this proceeding and more forward toward prompt licensing of 2 GHz MSS networks.

Respectfully submitted,

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