

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
FWCC Request for Declaratory Ruling on)	IB Docket No. 00-203
Partial-Band Licensing of Earth)	RM-9649
Stations in the Fixed-Satellite Service)	
That Share Terrestrial Spectrum)	
<i>et al.</i>)	

COMMENTS OF GLOBECOMM SYSTEMS, INC.

Globecomm Systems, Inc. (“GSI”) hereby submits its comments in the above-referenced proceeding,¹ in which, among other matters, the Commission seeks comment on a proposal to add a “demonstrated use” requirement for Fixed-Satellite Service (“FSS”) earth stations licensed to use C-Band or Ku-Band frequencies that are shared with terrestrial services. For the reasons provided below, GSI urges the Commission to abandon its proposal to enact such a “demonstrated use” requirement, as it would impose undue restrictions on earth station licensees like GSI and harm its ability to provide effective satellite services to the public.

BACKGROUND

GSI, a publicly traded corporation, designs, assembles and installs satellite ground segment systems and networks which support a wide range of satellite communications applications, including fixed, mobile and direct broadcast services. GSI's customers include prime communications infrastructure contractors, government-owned postal, telephone and telegraph providers (“PTTs”), other telecommunications carriers, producers and distributors of news and entertainment content and

¹ The above-referenced proceeding was part of a consolidated *Notice of Proposed Rulemaking* (see also SAT-PDR-19990910-00091), FCC 00-369 (released October 24, 2000) (“NPRM”).

other corporations. GSI's ground segment systems typically consist of an earth station together with ancillary subsystems. Since August 1994, GSI has completed, or is in the process of completing, the installation of 77 ground segment systems and networks in 31 countries.

The earth station networks allow GSI the ability to provide much needed Internet service to areas not only in the United States but internationally where Internet service would otherwise be unavailable. Globecom and its subsidiaries are leading providers of Internet access services via satellites for emerging economies world wide, and provide a vital link for a wide range of necessary communications, including public safety and health concerns.

ARGUMENT

Under the Commission's demonstrated use policy, an earth station operator in the C-Band or Ku-Band frequencies would lose the ability to occupy and operate in frequencies requested for use by terrestrial operators if the earth station operator cannot demonstrate that it is using, has recently used, or has imminent plans to use the requested frequencies. Recent use is defined as the timeframe during which each satellite transponder frequency band was "used" within the last 24 months. Imminent use is defined as use to be initiated within six months, supported by contracts or other documentation. *NPRM* at para. 54.

While GSI understands the Commission's concern regarding shared spectrum use between fixed satellite services and terrestrial fixed service, the proposed "demonstrated use" requirement is considered drastic by GSI. It would otherwise greatly skew what should be a level playing field in favor of terrestrial services. GSI and its customers both demand reliable and effective satellite service. In order to provide such service, and to remain competitive in the marketplace, GSI needs significant spectrum flexibility so that it can shift from transponder to transponder, or, satellite to

satellite, as quickly as possible so that its customers may at all times receive uninterrupted quality service. Such flexibility is even more important during times of emergency, or when there are unforeseen equipment failures. If the FCC were to impose the proposed limitations on the ability of FSS providers like GSI to use alternate spectrum to provide service, it would severely impair the ability to provide much needed state-of-the-art communications services to its customers.

CONCLUSION

For the reasons stated above, Globecomm Systems, Inc. requests that the Commission abandon its proposal to impose a “demonstrated use” standard on Fixed Satellite Service providers occupying spectrum in the Ku-Band and C-Bands.

Respectfully submitted,

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