

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

In the Matter of)	
)	
FWCC Request for Declaratory Ruling on)	
Partial-Band Licensing of Earth)	IB Docket No. 00-203
Stations in the Fixed-Satellite Service)	RM-9649
That Share Terrestrial Spectrum)	
)	
FWCC Petition for Rulemaking to Set)	
Loading Standards for Earth Stations)	
In the Fixed-Satellite Service that)	
Share Terrestrial Spectrum)	
)	
Onsat Petition for Declaratory Order that)	
Blanket Licensing Pursuant to Rule 25.115(c) Is)	SAT-PDR-19990910-00091
Available for Very Small Aperture Terminal)	
Satellite Network Operations at C-Band)	
)	
Onsat Petition for Waiver of Rule 25.212(d) to)	
the Extent Necessary to Permit Routine)	
Licensing of 3.7 Meter Transmit and Receive)	
Stations at C-Band)	
)	
<i>Ex parte</i> Letter Concerning Deployment of)	
Geostationary Orbit FSS Earth Stations in the)	
Shared Portion of the Ka-band)	

REPLY COMMENTS OF GE AMERICAN COMMUNICATIONS, INC.

GE American Communications, Inc. (“GE Americom”), by its attorneys, hereby replies to the comments of other parties in response to the *Notice of Proposed Rulemaking* in the above-captioned proceeding, FCC 00-369 (rel. Oct. 24, 2000) (the “*Notice*”).

GE Americom strongly supports the separate reply comments being filed today by the Satellite Industry Association, the Satellite Broadcasting and

Communications Association, the World Teleport Association, and the Aerospace Industries Association of America (collectively, the “Satellite Industry Coalition” or “Coalition”). As that filing makes clear, the record in this proceeding reflects near-unanimous opposition to the proposals in the *Notice* that would restrict satellite service access to spectrum that is shared with terrestrial fixed service operations. See Satellite Industry Coalition Reply Comments, Section I.B.

In fact, the silence of the fixed service community in this proceeding continues to provide the most telling evidence that the proposals in the *Notice* are fundamentally misguided. The Fixed Wireless Communications Coalition (“FWCC”), which filed the Petition for Declaratory Ruling that led to issuance of the *Notice*, has failed to garner any meaningful support for its position, even among its own membership.¹ The National Association of Broadcasters, which has been listed by the FWCC as a member of its coalition, expressly disavowed the FWCC’s positions in this proceeding.² The National Cable Television Association strongly opposed the proposed rule changes, as did numerous other cable television and broadcasting industry participants.³ Not a single fixed wireless operator has

¹ Winstar Communications filed comments that state its general support for the FWCC’s positions, but provide no evidence regarding any need for change in the Commission’s rules. Instead, Winstar devotes the vast majority of its filing to arguing that the Commission should not apply the proposed rule changes to the 28 GHz and 39 GHz bands which are of most interest to Winstar. See Winstar Comments at 3-7.

² See Letter of Jack N. Goodman, Senior Vice President & General Counsel, National Association of Broadcasters, to Magalie Roman Salas dated Jan. 25, 2001.

³ See, e.g., Comments of BTNA, Catalina, Disney/ABC, HBO/TBS, NCTA, and NPR.

provided any information supporting a need for change in current Commission policies, despite the explicit request in the *Notice* for information regarding any coordination problems the fixed community may have experienced. *See Notice* at ¶ 30.

Instead, the comments here provide a detailed indictment of the Commission's proposals to restrict earth station access to shared spectrum. The rule changes would impair service to users, impede coordination among neighboring satellites, make restoration of service in the event of a facility outage difficult or impossible, and harm competition in the satellite services market. *See Satellite Industry Coalition Reply Comments, Section I.B.* The parties explain that in addition to depriving satellite networks of necessary flexibility, the Commission's proposed demonstrated use requirement would be unworkable and would impose unacceptable new administrative burdens on licensees and Commission staff. *Id.*, Section II.A. Furthermore, the Commission's proposed new rules regarding interference coordination are unneeded and would introduce new constraints into the coordination process that would make resolution of issues more difficult. *Id.*, Section III.

GE Americom also joins the Coalition in opposing the "alternative" proposal put forth by the FWCC, which is nothing more than a slightly altered version of the FWCC's original request for a declaratory ruling. *See id.*, Section IV. As the Coalition observes, the Commission has already considered and rejected the FWCC's extreme position. *See Notice* at ¶¶ 2, 40. Furthermore, the FWCC's plan

would be even more harmful to satellite operations than the proposals in the *Notice*. For example, the FWCC proposal would limit earth station access to spectrum even where terrestrial demand for the spectrum is non-existent.

This aspect of the FWCC's proposal would be devastating to GE Americom's ability to continue to guarantee reliable services to Alaska. As GE Americom explained in its comments, Alascom relies on C-band space segment to provide long distance telecommunications throughout Alaska, using a network of more than 200 satellite earth stations. The network serves remote Alaska "bush" villages for which satellite facilities are the only feasible form of interconnection. See GE Americom Comments at 11. Under the FWCC's "alternative" proposal, these earth stations would automatically lose access to coordinated spectrum not actively in use, making restoration of services virtually impossible in the event of a transponder or satellite failure. There is no conceivable justification for depriving the Alascom network of spectrum in favor of the terrestrial industry, which does not and cannot provide comparable services to remote Alaskan locations.

Finally, GE Americom supports the Satellite Industry Coalition's request that the Commission adopt the Hughes proposals for streamlined licensing of earth terminals in the 18 GHz band. Satellite Industry Coalition Reply Comments, Section V. The record here shows that the Hughes proposals would expedite delivery of important broadband services to end users while minimizing unnecessary regulatory burdens.

For the foregoing reasons and those expressed in its initial comments, GE Americom urges the rejection of the proposals in the *Notice* for modification of Commission policies relating to the licensing and coordination of earth stations in spectrum shared with terrestrial operations. However, the Hughes proposals for blanket licensing of 18 GHz terminals should be adopted.

Respectfully submitted,

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