

**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)	)	SAT-PDR-19990910-00091
Is 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	)	
	)	
Ex parte Letter Concerning Deployment of	)	
Geostationary Orbit FSS Earth Stations in	)	
the Shared Portion of the Ka-band	)	

**REPLY COMMENTS OF  
COMSEARCH**

Comsearch hereby respectfully submits the following Reply Comments in the above captioned proceeding.

## **Demonstrated Use Proposal**

We agree with the many comments that the proposed partial-band licensing procedures are impractical.<sup>1</sup> It is clear from the comments submitted that the rule changes proposed by the Commission with regards to the FWCC petition are of grave concern to the satellite industry. It also is clear from the FWCC comments that the language in the NPRM does not exactly capture their intent.<sup>2</sup> Comsearch believes that the Commission's attempt to codify coordination behavior will, in this case, result in a solution that is far worse than the problem.

It is important to recognize that the satellite industry has very basic operational differences from Fixed Services. One of the basic characteristics of the Fixed Satellite Service is the requirement to have flexibility when selecting satellites and transponder frequencies. A basic characteristic of Fixed Service is the need to design, coordinate, and authorize (usually) single channel microwave relay links in a very expeditious time frame. A drawn-out coordination process is not compatible with this aspect of terrestrial system design. We believe that the time consuming "demonstrated use" rules suggested by the NPRM will be of little benefit to terrestrial users while, as noted in a number of comments<sup>3</sup>, significantly harming satellite users.

In our comments we offered an alternative plan to the Commission's proposal which involved recoordination by the FSS licensee to identify in-use and growth spectrum similar to the procedure employed by the FS. We would like to clarify that this plan was put forth primarily to

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<sup>1</sup> FWCC at 5-11, Comsearch at 5, Satellite Industry Association at 5-8, Hughes at 8-10, GE Americom at 14, Pinnacle at 15.

<sup>2</sup> FWCC at 5-8.

<sup>3</sup> See for example HBO&TBS at 5-9, Astrolink at 6-8, and SIA at 29-31.

demonstrate that the Commission's plan was unworkable in its present form and that there might be better ways to approach the issue.<sup>4</sup> We are opposed to the Commission's proposal or our alternative plan being codified in the rules. We would recommend to the Commission that before any rule changes occur that the FSS and FS communities work together closely to examine this issue in more detail. Organizations such as the National Spectrum Managers Association would be the appropriate venues for FSS and FS licensees to discuss, develop, and agree to implement detailed coordination procedures.

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<sup>4</sup> As another example Pinnacle proposed a different approach including the use of "Pre-PCN's". Pinnacle at 16.

## **Interference Resolution Models**

Comsearch believes that the interference resolution models and the prior acceptance of interference are issues that have been and can continue to be dealt with during the analysis and coordination process. It is already implied in the rules that coordination for spectrum which cannot be cleared is not encouraged or allowed to occur without the Commission's knowledge.<sup>5</sup>

The Commission should encourage FS and FSS licensees to follow the existing coordination rules which rely on reasonable and good engineering practice, negotiation and bartering, and most importantly upon licensees working together to share a common resource.

Comsearch believes that the issues raised by the FWCC should be addressed fully by the industry to try and develop consensus recommendations prior to the introduction of any new rule changes. Comsearch would be available to work with industry groups, such as the NSMA, and asks the Commission to encourage both microwave and satellite operators to participate and work together to develop procedures that continue to maximize the efficient use of the radio spectrum.

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<sup>5</sup> See 47 CFR section 101.103 (d) (1) which states *“In engineering a system or modification thereto, the applicant must, by appropriate studies and analyses, select sites, transmitters, antennas and frequencies that will avoid interference in excess of permissible levels to other users. All applicants and licensees must cooperate fully and make reasonable efforts to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum; however, the party being coordinated with is not obligated to suggest changes or re-engineer a proposal in cases involving conflicts. Applicants should make every reasonable effort to avoid blocking the growth of systems as prior coordinated.”* See also 47 CFR section 25.203 (c) (4) which states *“Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of harmful interference (such as the use of artificial site shielding) or would result in lessened quality or capacity of either system, the details thereof shall be contained in the application.”*

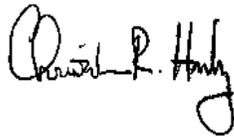
## **The ONSAT Proposal**

Onsat argues that the FCC should allow remote CSAT antennas to become operational immediately upon notification of frequency coordination.<sup>6</sup> As we stated in our comments in this proceeding, Comsearch believes that some type of public notice of coordinated remote CSAT antennas is necessary to keep industry databases up to date and accurate.<sup>7</sup> Comsearch nonetheless agrees with Onsat that there is no reason CSAT operators should have to wait to begin operating remote antennas once frequency coordination for those antennas has been completed. Comsearch believes that CSAT operators should be permitted — consistent with procedures available to terrestrial C-Band users<sup>8</sup> — to begin operating remote antennas upon submission of an FCC filing. For CSAT remotes this filing would consist of a report of successful frequency coordination.

Respectfully Submitted,

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<sup>6</sup> OnSat Comments at 10-18.

<sup>7</sup> Comsearch Comments at 10.

<sup>8</sup> See 47 C.F.R section 101.31(b) which specifies that an FS applicant can begin operation during the public notice period upon showing that a compliant license document has been filed, coordination has been completed and certain environmental, FAA, and waiver conditions have been met. The specifics of these conditions may need to be reviewed and modified for C-band earth station applications.