



August 31, 2004

Via Electronic Filing

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ET Docket No. 00-258; IB Docket No. 99-81

Dear Ms. Dortch:

The Satellite Industry Association (“SIA”)¹ understands that the Commission may be poised to adopt a decision to auction the 1995-2000 MHz band for the forward link of a new terrestrial wireless service (the Personal Communications Service (“PCS”) “H” block). SIA continues to urge the Commission to restore this 5 MHz for use for 2 GHz Mobile Satellite Service (“MSS”) uplink operations.² Should the Commission nonetheless determine that this spectrum should be auctioned for terrestrial use, SIA urges the Commission to first consider appropriate technical restrictions on H-block forward link operations to protect 2 GHz MSS uplink operations in the immediately adjacent 2000-2020 MHz band.

In February 2003, the Commission reduced the spectrum allocation for 2 GHz MSS uplink operations by 15 MHz from 1990-2025 MHz to 2000-2020 MHz.³ In doing so, the Commission also reduced the amount of globally harmonized 2 GHz MSS uplink spectrum by half, from 20 MHz to 10 MHz (2000-2010 MHz). Globally harmonized spectrum is of critical importance to the MSS industry because this spectrum can be used to provide service throughout the international footprint of a satellite system.⁴

¹ SIA Executive Members include: The Boeing Company; Globalstar LLC; Hughes Network Systems, Inc.; ICO Global Communications; Intelsat; Iridium Satellite LLC, Lockheed Martin Corp.; Loral Space & Communications Ltd.; Mobile Satellite Ventures LP; Northrop Grumman Corporation; PanAmSat Corporation; SES Americom, Inc., and Verestar Inc. SIA’s Associate Members include Eutelsat, Inmarsat, and New Skies Satellites Inc.

² See Letter from Richard DalBello, President, Satellite Industry Association, to Chairman Michael Powell, FCC, ET Docket No. 00-258 (November 17, 2003).

³ *Amendment of Part 2 of the Commission’s Rules, ET Docket No. 00-258, Third Report and Order, Third Notice of Proposed Rulemaking, and Second Memorandum Opinion and Order*, 18 FCC Rcd 2223 (2003) (“NPRM”).

⁴ See *id.*, Separate Statement of Commissioner Michael J. Copps (“Now we reallocate 50 percent more of the remaining globally harmonized MSS spectrum to AWS, leaving MSS licensees with only a third of what was originally fought for by U.S. negotiators. This will raise costs of satellite design and

The proposed use of the 1995-2000 MHz band for the forward link of another PCS offering presents two interference concerns that will further reduce the ability of MSS operators to make use of this globally-harmonized spectrum. First, PCS H-block base stations transmitting in the 1995-2000 MHz band may overload as well as cause out-of-band emission interference to 2 GHz MSS satellites receiving in the immediately adjacent band. The Commission should adopt limitations on H-block base station deployment and other technological restrictions to mitigate this potential for interference. Second, the terrestrial wireless industry has argued that a guard band must be established between the H-block forward link and 2 GHz uplink bands to mitigate interference and has presumed that this guard band will be taken from the remaining 10 MHz of globally-harmonized 2 GHz uplink spectrum.⁵ Any such further reduction in the amount of globally-harmonized 2 GHz MSS spectrum would devastate ongoing efforts to deploy global MSS systems in the 2 GHz band. Since it will be necessary to mitigate interference between any newly-created H-block and MSS, the Commission should clearly place the onus of undertaking that mitigation on any new H-block licensees.⁶ Indeed, in the above-captioned proceeding, the Commission has already concluded that the burden of mitigating such interference will fall on the new licensees in the band, not the incumbent MSS operators.⁷

The Commission must address the significant concerns regarding interference to MSS before creating a PCS H-block. Should the Commission nonetheless decide to auction this spectrum, it should clarify prior to the auction the specific interference protections that will have to be observed by the winning bidders for this spectrum in order to protect MSS operations. At the very least, prior to conducting an auction, the Commission should reaffirm that the burden of mitigating any interference will fall on the new H-block licensees and not the incumbent MSS operators.

construction, make trans-national interference coordination more difficult, especially where satellite and terrestrial licensees must coordinate, and may further erode U.S. credibility internationally when we next fight for harmonized spectrum.”).

⁵ See CTIA *ex parte* presentation, ET Docket No. 00-258 (August 18, 2004) (attaching Charles Jackson Study at 7) (“The upper half of the H-block is adjacent to a mobile satellite service (MSS) band. It is hard to imagine any scenario in which H-block operations do not impair or limit future MSS operations. In essence, if the H-block is built out, the MSS industry will have to accept the loss of a few MHz of spectrum as an implicit guardband.”).

⁶ See *Deployment of Wireline Services Offering Advanced Telecommunications Capability, Third Report and Order and Fourth Report and Order*, 14 FCC Rcd 20912, ¶ 211 and n.498 (December 9, 1999) (noting that the “first-in-time” concept, whereby a “newcomer” is responsible for taking whatever steps may be necessary to eliminate objectionable interference, is a mainstay of the Commission’s interference protection policies).

⁷ See NPRM ¶ 51 (“MSS operations, including ATC, may exist above 2000 MHz. In this regard, new operations in the 1990-2000 MHz band will need to take into account these adjacent band operations when developing and deploying new services and equipment. Licensees and operators in this band should take measures both to ensure that their operations are protected from MSS/ATC operations and will protect MSS and ATC operations from interference.”).

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Please direct any questions regarding this matter to the undersigned.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David A. Cavossa", is centered on a light-colored rectangular background.

David A. Cavossa
Executive Director
Satellite Industry Association