

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

In the Matter of	)	
	)	
Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band	)	WT Docket No. 08-166
	)	
	)	
Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition	)	WT Docket No. 08-167
	)	
	)	
Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band	)	WT Docket No. 07-195
	)	
	)	
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands	)	WT Docket No. 04-356
	)	

**COMMENTS OF NEW ICO SATELLITE SERVICES G.P.**

**I. INTRODUCTION**

New ICO Satellite Services G.P. (“ICO”) submits these comments in response to the Notice of Proposed Rule Making (“*NPRM*”)<sup>1</sup> seeking comment, among other things, on issues raised by the Public Interest Spectrum Coalition (“PISC”) in its informal complaint and petition for rulemaking (“PISC Petition” or “Petition”).<sup>2</sup> “[T]he Commission staff has also included the

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<sup>1</sup> *Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band*, Notice of Proposed Rule Making, 23 FCC Rcd 13106 (2008) (“*NPRM*”).

<sup>2</sup> See Complaint of Public Interest Spectrum Coalition (PISC) Against Shure, Inc., et al., Informal Complaint and Petition for Rulemaking, WT Docket No. 08-84 (filed July 16, 2008) (PISC Petition). PISC consists of: The CUWiN Foundation (CUWIN), Consumer Federation of America (CFA), Consumers Union (CU), EDUCAUSE, Free Press (FP), Media Access Project (MAP), the National Hispanic Media Coalition (NHMC), the New America Foundation (NAF), the Open Source Wireless Coalition (OSWC), Public Knowledge (PK), and U.S. PIRG. The Commission seeks comment on the various elements found in PISC’s Petition, particularly to the extent that it does not address those elements elsewhere in the Notice and Order. *NPRM* ¶ 22.

PISC Petition in the records of WT Docket No. 07-195 and WT Docket No. 04-356 because the Petition raises the possibility of using 5 megahertz of the spectrum at issue in those proceedings as a home for a wireless microphone service.”<sup>3</sup> ICO opposes the Petition to the extent that PISC seeks use of the 2020-2025 MHz, a block of spectrum the Commission has already paired with 2175-2180 MHz and designated for Advanced Wireless Services (“AWS”) use (“AWS J Block”), for primary use by wireless microphone service.<sup>4</sup> As ICO, along with many other companies, has stated in the past, the AWS J Block should remain paired with AWS spectrum that can be used to provide valuable advanced wireless services to the public. Designating the 2020-2025 MHz block to wireless microphones on a primary basis would undercut years of the Commission’s efforts in promoting advanced wireless services, would eliminate real opportunities for the rapid introduction of new wireless services and technology, and should not be undertaken under any circumstances.<sup>5</sup>

## II. BACKGROUND

ICO is authorized to provide Mobile Satellite Service (“MSS”) in 20 megahertz of spectrum in the 2000-2020 MHz and 2180-2200 MHz bands and ICO has selected the 2010-2020

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<sup>3</sup> *NPRM* ¶ 21, n.54.

<sup>4</sup> PISC seeks the creation of “a new ‘General Wireless Microphone Service’ (GWMS) licensed by rule pursuant to Section 307(e) to operate on vacant broadcast UHF channels below Channel 52 on a secondary basis to broadcast licensees and individually licensed wireless microphone systems, and authorized on a primary basis to operate on the 2020-[20]25 Band currently authorized for broadcast auxiliary service (BAS) and under consideration . . . in Docket Nos. WT 07-195, WT 04-356 (‘AWS-2/AWS-3 Proceeding’).” PISC Petition at i-ii. PISC petition states that should the Commission adopt a proposal for AWS-3 that includes 2175-2180 MHz, it should consider allocating 2020-2025 MHz for wireless microphones on a primary basis. *See* PISC Petition at xi.

<sup>5</sup> In the event that adoption of a particular proposal in AWS-3 results in 2020-2025 becoming unpaired from 2175-2180 MHz, ICO urges that this spectrum should remain allocated to fixed and mobile use.

MHz and the 2180-2190 MHz bands for its operations.<sup>6</sup> ICO successfully launched its satellite, ICO G1, into orbit on April 14, 2008, and has met all of its milestone requirements.<sup>7</sup> ICO also has applied to provide Ancillary Terrestrial Component (“ATC”) services that would operate in the same frequencies. ICO is in the process of building out and testing its ATC facilities. ICO has also contracted with vendors to build various MSS and MSS/ATC handsets and other mobile devices that will be tested in the 2 GHz band in numerous trials throughout 2008 and into 2009.

### **III. AWS SPECTRUM IN 2020-2025 MHz SHOULD REMAIN PAIRED WITH AWS SPECTRUM**

The J Block is best suited as part of a valuable AWS pairing. In the *Sixth Report and Order and Third Memorandum Opinion and Order* (“*Sixth R&O*”) in ET Docket No. 00-258, the Commission advanced its efforts to promote spectrum utilization and efficiency by evaluating spectrum that may be suitable for the provision of new services, including AWS.<sup>8</sup> In the *Sixth R&O*, the Commission found the band 2020-2025 MHz to be especially well suited to provide additional spectrum for the introduction of new services and technology.<sup>9</sup> When the J Block was allocated to AWS, the Commission noted that “AWS entrants may also benefit from the introduction of terrestrial services in the adjacent MSS band under MSS/ATC authority.”<sup>10</sup>

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<sup>6</sup> See *Use of Returned Spectrum in the 2 GHz Mobile Satellite Service Frequency Bands*, 20 FCC Rcd 19696 (2005); FCC Public Notice, *Policy Branch Information: Actions Taken*, 23 FCC Rcd 8551, 8551 (IB 2008) (“ICO Milestone PN”).

<sup>7</sup> ICO Milestone PN at 8551.

<sup>8</sup> *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, 19 FCC Rcd 20720 (2004) (“*Sixth R & O*”).

<sup>9</sup> *Sixth R&O* ¶¶ 1, 7. See also *id.* ¶ 16 (“As an initial matter, the record in the AWS proceeding, ET Docket 00-258, strongly supports more spectrum for the introduction of new services and predicts high growth and strong demand for AWS services”).

<sup>10</sup> See *id.* ¶ 46.

Further, the Commission found that AWS entrants in the proposed J Block would benefit from the design of adjacent-band MSS/ATC user equipment “which in turn [would] allow for potential economies of scale and generally promote the more rapid deployment of new service offerings.”<sup>11</sup> Maintaining 2020-2025 MHz as the uplink portion of an uplink/downlink spectrum pairing is crucial to the development of services in the AWS bands. Therefore, the Commission should not reallocate the band for wireless microphone use, and instead should maintain the 2020-2025 MHz block for AWS use.

#### **IV. CONCLUSION**

While ICO takes no position on the bulk of the PISC Petition, ICO strongly opposes the petition to the extent it seeks to undercut years of the Commission’s efforts in promoting advanced wireless services by proposing to reallocate the 2020-2025 MHz band from AWS to GWMS use. ICO therefore requests that the Commission deny the PISC Petition to this extent, and retain the 2020-2025 MHz J Block as part of a valuable AWS spectrum pairing.

Respectfully submitted,  
NEW ICO SATELLITE SERVICES G.P.

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<sup>11</sup> *See id.*