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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Routine Licensing of Large Numbers of Small Antenna Earth Stations Operating in the Ka Band

RM-9005

COMMENTS OF TELEDESIC CORPORATION

Teledesic Corporation, an applicant for a Fixed Satellite Service ("FSS") system in the Ka band, hereby submits these comments in support of the rulemaking petition filed by Lockheed Martin, AT&T, Hughes, Loral, and GE. Teledesic agrees with the Petitioners that the Commission should commence a rulemaking to develop routine or "blanket" licensing procedures for FSS Earth stations in the Ka band. In fact, Teledesic urges the Commission to consider blanket licensing procedures for FSS operations throughout the 17.7-20.2 and 27.5-30.0 GHz bands, so that the Commission can develop comparable licensing policies for all the FSS systems that will compete to offer the innovative new services proposed for these frequencies. In particular, Teledesic urges the Commission to consider the 17.7-19.3 GHz and 28.6-29.1 sub-bands in addition to the various sub-bands identified by the Petitioners.

Since March 21, 1994, Teledesic has had on file with the Commission an uncontested application to construct, launch, and operate an FSS system in the Ka band.[1] Teledesic proposes

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[1] Application of Teledesic Corporation for Authority to Construct, Launch, and Operate a Low Earth Orbit Satellite System in the Domestic Fixed Satellite

to use uplink frequencies between 28.6 and 29.1 GHz, and downlink frequencies between 18.8 and 19.3 GHz for its Standard User Terminals. These frequencies, like those cited in the Petition, are within the uplink and downlink frequencies considered by the Commission in its "28 GHz Proceeding."[2] In the *28 GHz First Report and Order,*[3] the Commission developed a band segmentation plan that designated specific sub-bands for both geostationary systems (like those proposed by the Petitioners) and non-geostationary systems (like Teledesic's), in order to permit the rapid development of interactive, broadband satellite services from both types of platforms. While the distinction between geostationary and non-geostationary systems is important in many contexts, a Teledesic Standard User Terminal is not materially more difficult to coordinate with other users of the band than a geostationary FSS Earth station is.

Licensing of FSS Earth stations for non-geostationary systems presents the same policy issues as those raised in the Petition. Like the Petitioners, Teledesic expects that FSS systems in the Ka band will provide service directly to end-users — tens of millions of end-users, who will typically own their own Earth stations. Like the Petitioners, Teledesic believes that this high-density deployment of FSS Earth stations cannot take place unless the Commission eliminates the cost and delay that are associated with licensing of individual Earth stations. In addition, as the Commission has recently noted, licensing of each individual user terminal would effectively

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Service and in the International Mobile Satellite Service, FCC File Nos. 22-DSS-P/LA-94, 43-SAT-AMEND-95, and 127-SAT-AMEND-95 (filed March 21, 1994).

2 CC Docket No. 92-297.

3 Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, and to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, __ F.C.C. Rcd. ___, FCC 96-311 (released July 22, 1996), 61 Fed. Reg. 39425 (Aug. 28, 1996).

prevent users who are not U.S. citizens from acquiring and operating such terminals, even in the United States and even where these users wish to obtain service from a U.S. space station licensee.[4] For these reasons, routine or "blanket" licensing of Ka-band Earth stations is critically important to the introduction of interactive, broadband satellite services.

The Petitioners request a rulemaking to consider blanket licensing for FSS Earth stations in one downlink sub-band (19.7-20.2 GHz) and three uplink sub-bands (28.35-28.6 GHz, 29.25-29.5 GHz, and 29.5-30.0 GHz). Teledesic supports this request, but believes the Commission should simultaneously consider blanket licensing in the 17.7-18.8 GHz sub-band that will be used for geostationary downlinks, as well as the 18.8-19.3 GHz and 28.6-29.1 GHz sub-bands that will be used for non-geostationary downlinks and uplinks, respectively. As the Commission has noted, both geostationary and non-geostationary FSS systems are proposing the same types of services for these frequencies, and both types of systems project high-density deployment of Earth stations, which is the primary reason why the Commission should adopt blanket licensing. Furthermore, past Commission decisions establish that blanket licensing is appropriate for non-geostationary as well as geostationary systems.[5] The Commission can therefore best use its administrative resources by considering all these similarly situated sub-bands in one proceeding.

The Petitioners support the consideration of licensing procedures in the 17.7-18.8 GHz sub-band, although they apparently want the Commission to consider those frequencies at a later

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4 Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Non-Voice, Non-Geostationary Mobile Satellite Service, 8 F.C.C. Rcd. 8450, 8454 n. 27 (1993).

5 *E.g., id.,* 8 F.C.C. Rcd. at 8453-54. *See also* U.S. Leo Services, Inc., DA 96-1962 (released Nov. 22, 1996) (licensing 200,000 Mobile Earth Terminals for the Iridium "Big LEO" system).

time. However, the protracted consideration of inter-service sharing issues in the 28 GHz Rulemaking and elsewhere has already delayed the introduction of these new services far too long, and the technological headstart once enjoyed by U.S. operators has all but vanished. Both geostationary and non-geostationary proponents need to know as soon as possible what the licensing rules will be for Ka-band FSS Earth stations, so that they can move ahead with their plans to introduce interactive, broadband satellite services to the public. Since both geostationary and non-geostationary systems will compete in the delivery of these services, the Commission should consider licensing procedures for both types of systems at the earliest practicable date.[6]

Furthermore, the presence of terrestrial services in some portions of the Ka band need not delay the implementation of blanket licensing. There is ample precedent for blanket licensing of equipment even where spectrum is shared by different services and coordination is required. For example, in both the Radiodetermination Satellite Service[7] and the Specialized Mobile Radio service,[8] the Commission has reduced administrative cost and delay by issuing blanket licenses

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6 The Commission's Deputy Chief Economist recently recognized in a report on spectrum management that, "In order to function effectively, . . . a competitive market needs clear and firm regulations. If spectrum users and their financial supporters are not reasonably certain of the rules that will govern spectrum use, they will be less willing to invest in obtaining and developing the spectrum. . . . In the absence of such certainty, the spectrum may not be used to its full potential and the public may fail to realize its full value." G. Rosston and J. Steinberg, *Using Market-Based Spectrum Policy to Promote the Public Interest,* at 20 (released by the Commission Jan. 22, 1997)

7 Amendment to the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, a Radiodetermination Satellite Service, 104 F.C.C.2d 650, 666-67 (1986).

8 Amendment of Part 90 of the Commission's Rules to Eliminate Separate Licensing of End Users of Specialized Mobile Radio Systems, 7 F.C.C. Rcd. 5558, 5559 (1992).

but requring licensees to conduct the necessary coordination. If the Commission finds it in the public interest, a similar approach could be authorized in the FSS portions of the 17.7-20.2 GHz and 27.5-30.0 GHz bands, possibly along the lines suggested by the Petitioners in their discussion of the 17.7-18.8 GHz sub-band.[9]

CONCLUSION

Teledesic supports the Petitioners' call for a rulemaking to consider blanket licensing of FSS Earth stations. Because the licensing of FSS Earth stations for non-geostationary systems raises the same policy issues, and because all proponents of FSS systems in the Ka band should be permitted to bring interactive, broadband satellite service to the public as soon as possible, the Commission should consider all the FSS portions of the 17.7-20.2 GHz and 27.5-30.0 GHz bands at the same time.

Respectfully submitted,

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[9] Petition at 7, ¶ 12.

CERTIFICATE OF SERVICE

I, Mark A. Grannis, do hereby certify that a copy of the foregoing **Comments of Teledesic Corporation** have been sent, via first class mail, postage prepaid on this 18th day of February, 1997 to the following:

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