anomalies on a global basis absent an international consensus on these rights. Even domestically, underlay licensing could be interpreted as either the equivalent of secondary status, with no interference protection against a co-channel primary user; or with rights of interference protection, which could undermine the viability of any FSS system. At the very least, any domestic assignment of underlay licenses would have to include conditions to protect the primary user in the same band.

In view of the Commission's domestic proposals to limit FSS to only 2 GHz of spectrum in each direction and to subject FSS spectrum designations to underlay FS licensing, fairness requires that other segments of the band be considered for FSS use, including possible underlay FSS licensing in all FS allocations and use of certain Government bands.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Patricia A. Posey, hereby certify that I have on this 5th day of May, 1997, caused copies of the foregoing "Comments" to be delivered via hand delivery to the following persons:

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