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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of	)	
	)	
Routine Licensing of Large Numbers	)	RM 9005
of Small Antenna Earth Stations	)	
Operating in the Ka-Band	)	

COMMENTS IN SUPPORT OF PETITION FOR RULEMAKING

LORAL SPACE & COMMUNICATIONS LTD.

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September 24, 1997

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FURTHER COMMENTS OF LORAL SPACE & COMMUNICATIONS LTD.

Loral Space & Communications Ltd. ("Loral") supports blanket licensing and requests that the Federal Communications Commission ("FCC" or "Commission") expeditiously institute a rulemaking to establish blanket licensing procedures and criteria for Ka-band transceivers in the 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30.0 GHz bands.[1] Loral also supports the continued efforts of the Informal Industry Working Group ("IWG") of geostationary orbit fixed satellite systems ("GSO/FSS") licensees, to review and recommend appropriate Ka-band blanket licensing criteria in the GSO/FSS unshared frequencies.[2]

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1 These further comments are filed in response to Commission Requests Comment to Refresh Record on Proposals for Blanket Licensing of Satellite Earth Stations Operating in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands and Sharing Between Fixed Terrestrial and Satellite Services in the 17.7-19.7 GHz Frequency Bands, *Public Notice*, IN Report No. 97-27 (rel. September 5, 1997).

2 GSO/FSS systems are allocated the following bands on an exclusive primary basis in the U.S.: 19.7-20.2 GHz, 29.35-28.6 GHz, and 29.5-30.0 GHz. See In the Matter of Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz

Loral favors blanket licensing in the shared GSO/FSS and NGSO bands and in the shared non-geostationary orbit fixed satellite systems ("NGSO/FSS") and fixed terrestrial services ("FS") bands.[3] However, Loral believes that a separate IWG for these shared bands is necessary to expedite the blanket licensing process for all licensees since these bands involve complex issues of inter-service sharing.

Loral's Satellite Interests

Loral has an FCC license to launch and operate a Ka-band system, CyberStar™, that will provide world-wide broad-band services.[4] Even before the release of the 28 GHz Band Plan, in which the Commission designated segments in the 28 GHz band for use by GSO/FSS systems, Loral has supported the development of this band and its early commercial use. On December 23, 1996 Loral, along with Lockheed Martin Corporation, AT&T Corporation,

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Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, *First Report and Order and Fourth Notice of Proposed Rulemaking*, 11 FCC Rcd 19005 (rel. July 22, 1996) ("28 GHz Band Plan").

3 GSO/FSS and FS are co-primary in the 17.7-18.8 GHz band with secondary NGSO/FSS; NGSO/FSS and FS are co-primary in the 18.8-19.3 GHz band with secondary GSO/FSS; NGSO/FSS services are primary in the 28.6-29.1 GHz band with secondary GSO/FSS. See 28 GHz Band Plan at ¶¶ 42,77.

4 See In the Matter of Loral Space & Communications Ltd. Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, *Order and Authorization*, DA 97-974, (rel. May 9, 1997).

Hughes Communications, Inc. and GE American Communications, Inc., submitted a Petition for Rulemaking to the Commission, requesting a rulemaking to revise Part 25 of the Commission's Rules in order to provide for the routine licensing of large numbers of GSO/FSS small antenna earth stations operating in the 28 GHz band plan. In its Petition and Reply Comments, Loral requested that blanket licensing, both essential to the success of the Ka-band systems and feasible, be quickly adopted in the frequency bands where GSO/FSS systems operate on an exclusively primary basis within the U.S. Because of the unique and potentially protracted issues presented in the 17.7-18.8 GHz band, where GSO/FSS share operations on a co-primary basis with FS, Loral requested that a separate licensing and registration process be created so as to not impede the adoption of blanket licensing in the unshared bands.

In its comments, Teledesic Corporation, expressed its support for the blanket licensing Petition for Rulemaking, urging the Commission to also include the 17.7-19.3 GHz and 28.6-29.1 GHz bands in the same proceeding. While Loral and the other Petitioners did not object to Teledesic's request, Loral expressed the need to structure the rulemaking process by sub-band or service in order to permit the earliest possible adoption of blanket licensing.

Since the filing of the above pleadings there have been several GSO/FSS Ka-band licensee IWG meetings, during which Commission staff were present as observers, to establish blanket

licensing parameters and approaches in the GSO/FSS unshared bands. Loral supports the continued efforts of this IWG of GSO/FSS licensees, working to review and recommend appropriate Ka-band blanket licensing criteria.

Blanket Licensing in the GSO/FSS Primary Frequency Bands ("Unshared Bands")

An urgent need remains for an expedited blanket licensing process in the GSO/FSS unshared bands. Because Loral and others plan to provide two-way services, and deployment of millions of transceivers, and because the scheduled launch of the first Ka-band satellites is less than three years away, it is essential that the blanket licensing process proceed as rapidly as possible.

To ensure the quickest possible delivery of Ka-band services to the public, the Commission should allow the progress of the GSO/FSS unshared bands IWG to continue separately from the more involved issues of blanket licensing in the shared frequencies. This would enable the Commission to issue several orders regarding blanket licensing (according to frequency band or service) and not delay the entire Rulemaking until full resolution of all the issues. By allowing the unique sharing issues of the unshared sub-bands to proceed by sub-band or service, without the unnecessary complications of issues related to the shared sub-bands, the Commission will ensure that the new and innovative services of the Ka-band systems will be made available to the public as soon as possible.

Blanket Licensing in the GSO/FSS and NGSO/FSS Co-Primary Frequency Bands ("Shared Bands")

While Loral supports the inclusion of the NGSO/FSS downlink sub-band (18.8-19.3 GHz), the NGSO/FSS uplink sub-band (28.6-29.1 GHz), and the GSO/downlink sub-band (17.7-18.8 GHz) in the blanket licensing process, the inclusion of these bands raises different and more difficult issues of inter-service sharing, and should therefore be addressed in a separate IWG to ensure expedition. There is no reason for the more complex issues of sharing and blanket licensing in these shared bands to impede the adoption of blanket licensing procedures in the unshared bands by the Commission at the earliest possible date. The licensing and registration process for GSO/FSS earth stations using these frequencies needs to be further developed by a separate IWG.

Conclusion

For the reasons discussed above, Loral Space & Communications Ltd. respectfully asks the Commission to consider these comments and promptly initiate a rulemaking as requested by Loral and the other Petitioners.

Respectfully submitted,
LORAL SPACE & COMMUNICATIONS LTD.

by: _____

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