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An Operating Entity of the
Satellite Broadcasting and Communications Association

June 16, 1999

Magalie R. Salas, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: IB Docket No. 97-95

Dear Ms. Salas:

Please accept this letter for the record as an ex-parte filing by the Satellite Industry Association (SIA) in support of petitions filed by GE American Communications, Inc., Hughes Communications, Inc., TRW, Inc., and Lockheed Martin Corporation for reconsideration of the Report and Order covering fixed satellite services in the 36.0-51.4 GHz band (the "V-Band").[1]

SIA believes the Order allocates an inadequate amount of spectrum to fixed satellite services (FSS) operators in comparison to terrestrial fixed wireless services in the V-Band. The Commission should allocate at least one additional gigahertz of uplink and downlink spectrum for FSS systems. Satellite operators have demonstrated the need for this spectrum while terrestrial wireless services have shown little interest in the band in terms of applications and comments before the Commission.

The record before the Commission demonstrates that 2.0 GHz of uplink and 2.0 GHz of downlink spectrum is not sufficient to accommodate the fifteen applications for satellite systems filed with the FCC to use the V-Band. An assessment of future satellite usage in the band clearly demonstrates the need for additional spectrum. Congestion in lower frequency bands and new applicants seeking to share satellite spectrum in those same bands are strong indicators that additional V-Band spectrum is required to allow for the continued growth of satellite services. Such services benefit consumers and businesses across the U.S. and around the globe – including rural areas that lack adequate terrestrial communications infrastructure.

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[1] Report and Order, *Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz, and 48.2-40.2 GHz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocations in the 40.5-42.5 GHz Frequency Band, Allocation of Spectrum in the 46.9-47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0-38.0 and 40.0-40.5 GHz Frequency Bands for Government Operations*, IB Docket No. 97-95, (rel. December 23, 1998) (the "Order") covering (the "V-Band").

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In the Order, the Commission failed to justify allocating more spectrum to terrestrial fixed wireless services than to FSS. The lack of demonstrated demand for fixed wireless services in the V-Band should be an important factor in reexamining the Commission's allocation of spectrum in the band. The Fixed Wireless Communications Coalition (FWCC) has shown a desire, but not a need, for additional spectrum. In stark contrast, a number of satellite commentors have demonstrated a compelling requirement for more spectrum, which is corroborated by the numerous satellite applications at V-band already on file with the Commission.

In addition, the Commission should act on TRW's petition for clarification and declare that satellite use of the existing international spectrum allocation for FSS in the 37.5-42.5 GHz and 47.2-50.2 GHz bands will be permitted. Specifically, FSS use should be allowed so long as it conforms to power flux density or other applicable limits adopted by the International Telecommunication Union to protect any terrestrial fixed service facilities in these bands, and provided that FSS operators agree to accept interference from fixed service operations in those specific band segments designated by the Commission primarily for terrestrial use.

Finally, the Order suggested and the Fixed Wireless Communications Coalition supported the notion that, if satellite operators required additional spectrum, they could bid against terrestrial wireless service providers in future V-Band auctions. While such competition might seem feasible at first blush, the Commission's own words and experience prove otherwise. The FCC recognized the problems associated with satellite spectrum auctions in the Little LEO proceeding.[2] The Commission has acknowledged that the treaty requirements of international coordination for satellite systems would significantly impact the auction process. The Commission has also recognized the uncertainty created by sequential auctions for global or regional systems which could deter entry for U.S. companies and impede the development of satellite services.

Moreover, in its only attempt to open spectrum auctions to competition between terrestrial wireless and satellite services, the auction for Wireless Communications Service ("WCS"), the Commission failed to attract bidders and meet projected revenue totals.[3] The auctions showed that the basic characteristics of satellite technology place satellite applicants at an unfair disadvantage in competing against terrestrial wireless services for the same spectrum – and thereby discourage satellite applicants from bidding. When bidding for spectrum in multiple round auctions, satellite operators face the uncertainty of not winning every auction and subsequently being unable to launch a national service without mutual interference to and from terrestrial wireless service providers servicing local or regional markets. Both the technology and economics of satellite systems preclude a business model that would serve limited local or even regional markets in the United States.

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[2] *Rulemaking to amend Part 25 of the Commission's Rules to Establish Rules and Policies Pertaining to the Second Processing Round of the Non-Voice, Non-Geostationary Mobile Satellite Service.* International Bureau Docket No. 96-220, pp. 7-8, released on October 29, 1996.

[3] *Rulemaking to amend the Commission's Rules to Establish Part 27, the Wireless Communications Service ("WCS"),* GN Docket No. 96-228.

For the foregoing reasons, SIA supports the petitions filed by GE American Communications, Hughes Communications, TRW, and Lockheed Martin to reconsider the FCC's decision to allocate only 4.0 GHz of spectrum for satellite use and 5.6 GHz of spectrum for use by terrestrial wireless service.

Regards,

Patricia Mahoney
Chair

Clayton Mowry
Executive Director

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