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February 15, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W. TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation: Redesignation of the 17.7-19.7 GHz Frequency Band
IB Docket No. 98-172

Dear Ms. Salas:

Pursuant to 47 C.F.R. § 1.1206(b), this is to inform you that an *ex parte* presentation was made yesterday to Peter A. Tenhula, Senior Legal Advisor to Commissioner Michael Powell, and Marc Alvarez, an intern in the office of Commissioner Powell, regarding issues raised in the above-referenced proceeding by satellite operators, as identified in the attached document. The following company representatives participated in this meeting: James Byrd, Hughes Network Systems; John Stern, Loral Space & Communications Ltd.; Jack Wengryniuk, Astrolink; Jennifer Warren, Lockheed Martin Corporation; Albert Shuldiner, on behalf of NetSat 28; and the undersigned, on behalf of GE American Communications, Inc.

Attached to this notification are an original and two copies of a document presented at this meeting which served as the basis for the presentation.

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Copies of this document were left with Mr. Tenhula and Mr. Alvarez. Please address any questions regarding this matter to the undersigned.

Very truly yours,

Karis A. Hastings
Counsel for GE American
Communications, Inc.

Enclosures

cc: Peter A. Tenhula, Senior Legal Advisor to Commissioner Powell
Marc Alvarez, Intern for Commissioner Powell

Joint Opposition to Draft FCC 18 GHz Proposal

by
"Ka-band Licensees & Applicants"
Astrolink, GE Americom,
Hughes, iSky, Lockheed Martin,
Loral, Motorola, NetSat 28, TRW
February, 2000

DEVELOPMENT OF KA-BAND BROADBAND SPECTRUM OPPORTUNITY

- In July 1996, after years of negotiations, the FCC issued the first Ka bandplan compromise among FSS and FS interests;
- In May 1997, the FCC issued 13 GSO FSS licenses for systems to deploy by 2002/03 advanced broadband telecommunications services;
- In October 1997, the FCC issued Ka-band service rules;
- In December 1997, FCC closed 2nd round Ka-band applications -- 11 new systems proposed;
- In September 1998, the FCC issued the NPRM on 18 GHz for GSO FSS downlinks.

The Ka-band GSO FSS industry needs regulatory certainty now to fulfill our business objectives to provide ubiquitous broadband services to US customers

WHAT IS THE PROMISE OF ADVANCED KA-BAND SYSTEMS?

- Broadband competition to terrestrial telecom providers (cable, DSL, fiber) -- designed to be cost/service competitive;

- Ubiquitous service to all of the US with the launch of a single satellite;

- Universal Accessibility: rural/urban/suburban, tribal, business/home.

KA-BAND INDUSTRY ISSUE

- Issue: 30 MHz incursion spoils up to 250 MHz.

- How?
  - precludes use of necessary bandwidth for Section 706 services;
  - is fundamentally inconsistent with the 18 GHz band plan compromise;
  - precludes ubiquitous deployment of large number of user terminals (i.e., blanket licensing)
    - erases 2 years worth of informal industry work encouraged and overseen by Commission staff.

WHAT KA-BAND SATELLITE SYSTEMS NEED AND WHY

- "REAL" access to maximum usable downlink spectrum at 18 GHz for all GSO FSS.
- Why?
  - To have capacity to compete with broadband terrestrial alternatives
    - on price
    - on access and service availability (unrestricted terminal placement)
    - on delivery of service
    - on quality of service (freedom from interference);
  - To provide the maximum number of consumers access to broadband services; and
  - To universally serve both rural and urban areas competitively

THE 18 GHZ NPRM BANDPLAN FURTHER CUTS INTO LONG-STANDING GSO FSS SPECTRUM REQUIREMENTS.

- The original, hard-fought Ka-band compromise called for GSO FSS systems to have access to 1000 MHz of usable downlink spectrum to match its uplink allocation;

- Initial NPRM proposal cutting 1000 MHz to 750 MHz of clear spectrum and forcing GSO FSS/FS sharing in remaining 250 MHz already significantly limits GSO FSS broadband operations in that band segment;

- Draft Order renders up to an additional 250 MHz of spectrum unusable for advanced broadband systems at Ka-band.

IMPACT OF THE DRAFT 18 GHZ PROPOSAL ON KA-BAND BROADBAND LICENSEES AND APPLICANTS

- Under new proposal for only 720 MHz of clear spectrum, GSO FSS gets disproportionately less usable bandwidth.
  - Proposed 30 MHz incursion of FS will effectively reduce "user-terminal" spectrum by a much greater bandwidth (up to 250 MHz) due to the wide channels employed by the planned Ka-band GSO FSS systems;
  - "User-terminal" spectrum is reduced by up to 50%, proportionately restricting service capabilities to customers as well as system revenue potential;
  - Systems requiring system redesign will incur cost increase and system delay, adversely impacting the consumer.

HOW THE COMMISSION CAN ADVANCE ITS BROADBAND SERVICES OBJECTIVES

- Conversion of terrestrial users to digital
  - CARS is currently an analog TV distribution system (440 MHz used for 70 channels)
  - CARS must eventually convert to digital TV in order to track broadcast industry technology
  - This conversion will reduce spectrum needs considerably
  - The 30 MHz incursion into the 18.55-18.8 GHz GSO/FSS band can be easily avoided in the future
- Establish sunset period for FS removal from 18.55-18.58 GHz;
- Provide GSO FSS systems at least 750 MHz of unshared spectrum in the 18 GHz band;
- Relax power limit on downlink transmissions at 18.6 - 18.8 GHz to permit user terminal operations.

SUMMARY OF APPROPRIATE 18 GHZ OUTCOME

- Maintenance of GSO FSS primary allocation in the 18.3-18.8 GHz band;
- Provision of at least 750 MHz of unshared GSO FSS spectrum in the 18 GHz band;
- Swapping of exclusive GSO FSS primary band from 18.3-18.55 GHz to the 18.55-18.8 GHz band, subject to raising existing PFD limit in the 18.6-18.8 GHz band;
- No new licensing of FS in the 18.55-18.58 GHz band;
- Satellite earth station licensing should proceed pursuant to Section 25.203, as proposed in the 18 GHz NPRM, for co-primary operations;
- Development of appropriate CARS long term deployment plan to maximize GSO FSS sole primary spectrum as CARS converts to digital overtime.