

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
2000 Biennial Regulatory Review --) IB Docket No. 00-248
Streamlining and Other Revisions of Part 25 of)
the Commission's Rules Governing the Licensing of,)
and Spectrum Usage by, Satellite Network)
Earth Stations and Space Stations)

REPLY COMMENTS OF COMTECH MOBILE DATACOM CORP.

Comtech Mobile Datacom Corp. ("CMDC"), by its attorneys, hereby submits its reply to the comments of other parties in response to the *Notice of Proposed Rulemaking* in the above-captioned proceeding, FCC 00-435 (rel. Dec. 14, 2000) (the "*Notice*").

CMDC is authorized pursuant to a blanket license to operate up to 25,000 mobile earth terminals ("METs") to provide data services in the L-band using space segment provided by TMI Communications and Company, L.P. See File No. SES-LIC-19990216-00488.

CMDC's reply comments here are limited to the Commission's request for comment on issues relating to MET blanket licenses.

Specifically, the Commission proposes to revise its rules to clarify that MET licensees are required to bring their networks into operation within a year from licensing, but are not required to construct all the METs authorized within that one-year period. *Notice* at ¶ 46. The Commission suggests, however, that at the time of renewal of a MET blanket license, it would renew the authorization only for earth stations that have been brought into operation. *Id.* Finally, the Commission requests comment on whether the rules should mandate filing by MET

licensees of periodic reports or specify time limits for bringing a certain percentage of the METs authorized under a blanket license into use. *Id.* at ¶ 47.

CMDC agrees with other commenting parties that the Commission should not require all authorized METs to be constructed within a year from the date a blanket license is issued. As Motient observes, most blanket license applicants seek authorization based on longer-term demand projections, and a one-year construction deadline would place significant burdens on the licensee. Motient Comments at 3; *see also* Astrolink Comments at 5-6. If a one-year limit were imposed, licensees would be faced with the prospect of needing to file multiple applications for technically-identical terminals in order to ensure the ability to meet growing demand. As a result, any such rule would create unnecessary paperwork and regulatory uncertainty for licensees and would increase the workload of Commission staff members. There is no conceivable public interest benefit to such a framework. The Commission should therefore adopt its proposal to relax the construction completion requirements for METs.

CMDC, however, strongly opposes the Commission's plan to renew blanket licenses only for the number of METs brought into use at the time of renewal. As several commenters note, there is no justification for such a restriction. *See* Astrolink Comments at 6-7; Globalstar Comments at 4-5; Motient Comments at 4. The purpose of blanket licensing is to simplify the licensing of multiple identical terminals. The licensee can rely on its ability to continue to expand its deployed base within the limits established by the blanket license. As discussed above, this provides regulatory certainty and avoids the necessity for multiple redundant license applications. Setting a ten- or fifteen-year limit on the expansion of a blanket licensee's deployment of terminals is just as arbitrary as setting a one-year limit. Instead, the Commission should permit the licensee in its renewal application to seek authority for the total

number of terminals it anticipates requiring over the course of the next license term. *See* Globalstar Comments at 5. This approach will allow continuity and expansion of service without the need for the submission of duplicative applications.

Finally, CMDC, like other MET operators, opposes the adoption of reporting requirements or time limits relating to MET deployment. *See* Astrolink Comments at 7-8; Globalstar Comments at 5. The *Notice* does not identify any rationale for adopting such requirements, and CMDC believes they are unnecessary. As Astrolink observes, the number of METs deployed by any individual blanket licensee generally does not affect the overall interference environment, and deployment information is competitively sensitive. Astrolink Comments at 7. Because the proposed requirements are not needed to promote spectrum efficiency or avoid interference and could lead to adverse effects on competition, the Commission should not adopt them.

For the foregoing reasons, the Commission should eliminate the one-year construction completion requirement as it applies to METs but should not impose any new restrictions or reporting requirements on MET operators.

Respectfully submitted,

COMTECH MOBILE DATACOM CORP.

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