

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

In the Matter of)	
)	
Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Third Generation Wireless Systems)	ET Docket No. 00-258
)	
Amendment of Section 2.106 of the Commission’s Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service)	ET Docket No. 95-18
)	
The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band)	IB Docket No. 99-81

To: The Commission

**COMMENTS OF THE SATELLITE COMMUNICATIONS DIVISION OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Satellite Communications Division (“SCD”) of the Telecommunications Industry Association (“TIA”)¹ submits these comments on the Notice of Proposed Rulemaking in the above-captioned proceeding.² SCD urges the Commission to maintain the existing allocation of the 1990-2025 MHz and 2165-2200 MHz band (“2 GHz band”)

¹ TIA is the leading trade association servicing the communications and information technology industry, with more than 1,100 member companies that manufacture or supply the products and services used in global communications. TIA represents the communications sector of the Electronic Industries Alliance. On occasion, a TIA division or a section of a TIA division will file in a regulatory proceeding representing the views of only the members of that division or section. These comments are from the Satellite Communications Division of TIA.

² See *Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation* Footnote continues...

for mobile satellite services (“MSS”). Any sudden reversal of the current 2 GHz MSS allocation policy before allowing satellite operators a chance to commence service would deprive the public of the important benefits offered by MSS. The current heightened security environment highlights the national interest in developing alternative, robust communications infrastructures that offer network redundancy and can overcome the inherent technical limitations of terrestrial wireline and wireless networks. Having led the initiative to secure 2 GHz spectrum for MSS worldwide, the Commission should stay the course and adhere to its international obligations as well as its commitment to ensuring the availability of affordable, high-quality telecommunications services to all Americans at all times.

I. REALLOCATION OF THE 2 GHZ MSS SPECTRUM WILL UNDERMINE IMPORTANT GOALS THAT THE FCC HAS SOUGHT TO ACHIEVE

For the last ten years, the FCC has made tremendous efforts to obtain international and domestic spectrum allocations for MSS in the 2 GHz band. At the 1992 World Administrative Radio Conference (“WARC-92”), the FCC, on behalf of the United States, successfully secured the allocation of the 1980-2010 MHz and 2170-2200 MHz bands for MSS globally.³ Subsequently, at the 1995 World Radiocommunication Conference (“WRC-95”), the FCC successfully negotiated for the early deployment of MSS by moving the effective date of the global MSS allocation of the 1980-2010 MHz

Wireless Systems, FCC No. 01-224, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking (Aug. 20, 2001) (“*Advanced Wireless FNPRM*”).

³ See *2 GHz MSS Allocation Order* at 7389 ¶ 2 (citing Final Acts of the 1992 World Administrative Radio Conference, Malaga-Torremolinos (1992)). WARC-92 also allocated the 1930-1980 MHz and 2120-2170 MHz bands to MSS in Region 2 (which includes the United States). *Id.*

and 2170-2200 MHz bands from January 1, 2005 to January 1, 2000.⁴ The FCC further secured at WRC-95 the current international allocation at 1990-2025 MHz and 2165-2200 MHz for MSS in the United States and Canada.⁵

The FCC consistently and repeatedly has recognized the unique benefits of satellite service and 2 GHz MSS in particular. For example, the FCC has found satellite systems to offer significant cost advantages over terrestrial systems, particularly to rural and underserved areas.⁶ Just a year ago, the FCC specifically found that 2 GHz MSS will “enhance competition in mobile satellite and terrestrial communications services” and “promote development of regional and global communications to unserved communities in the United States...as well as worldwide.”⁷ Thus, the FCC’s decision to allocate 70 MHz of spectrum in the 2 GHz band to MSS was well-considered and supported by a fully developed record demonstrating an immediate need for the full allocation.

The benefits of 2 GHz MSS extend not only to those millions of Americans residing in areas not covered by any wireline or wireless telephone system, but also to all individuals anywhere in the United States for whom access to telephone service may be crucial, particularly during local or national emergencies. When natural or other disasters render wireline and wireless systems ineffective, MSS telephones may offer the only lifeline to safety. In fact, MSS telephones have been used quite successfully during

⁴ *Amendment of Section 2.106 of the Commission’s Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, First Report and Order and Further Notice of Proposed Rule Making, 12 FCC Rcd 7388, ¶ 8 (1997) (“2 GHz MSS Allocation Order”).

⁵ *Id.*

⁶ *Extending Wireless Telecommunications Services to Tribal Lands*, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 11794, 11799 ¶ 13 (2000).

⁷ *Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band*, Report and Order, 15 FCC Rcd 16127, 16128-29, ¶ 1 (2000) (“2 GHz MSS Rules Order”).

floods, earthquakes, hurricanes, and other disasters. More recently, MSS use was critical to rescue and relief efforts during the terrorist attacks on the World Trade Center and Pentagon.⁸

If the FCC reallocates 10 to 14 MHz of 2 GHz MSS spectrum as proposed, 2 GHz MSS licensees will be left with less than 4 MHz of spectrum each. This minimal amount is unlikely to sustain long-term, broad-based MSS offerings, particularly in view of prior requests by 2 GHz MSS licensees for substantially greater amounts of spectrum.⁹

II. PRESERVING THE 2 GHZ MSS ALLOCATION WILL ENSURE GLOBAL HARMONIZATION AND COMPLIANCE WITH INTERNATIONAL COMMITMENTS

Global spectrum harmonization is particularly important to nascent 2 GHz MSS systems because it simplifies system design, maximizes economies of scale, lowers costs, reduces the potential for harmful interference, increases spectrum efficiency, and facilitates the early deployment of service. A reallocation of 2 GHz MSS spectrum for other uses will conflict with international MSS allocations and can lead to fractured markets, increased equipment costs, delayed research and product development, and increased time-to-market. The FCC thus has found that “wireless and, *especially*, *satellite systems operate most efficiently in a globally consistent allocation of contiguous*

⁸ Mr. Bernie Farrell, Manager of the National Coordinating Center (NCC) of the National Communications System (NCS), at a recent Communications and Information Security Working Group (CISWG) meeting, noted that, at a result of the events of September 11, 2001, uninterruptible emergency communications circuits had been ensured and maintained through easy, direct accessibility to his satellite phone.

⁹ *See, e.g.*, Application of Boeing, File No. STAT-LOA-19970926-00149, at 4, Attachment One at 5 (Sept. 26, 1997) (seeking a total of 17.1 MHz of spectrum in both directions); Application of Celsat, File No. SAT-A/O-19940408-00016, at 3 (Sept. 3, 1997) (seeking a total of 50 MHz of spectrum in both directions).

spectrum.”¹⁰ Accordingly, the FCC has strived to ensure that the domestic 2 GHz MSS allocation “be as consistent as possible with the WARC-92 and WRC-95 allocations.”¹¹

III. ANY REALLOCATION OF 2 GHz MSS SPECTRUM WILL RENDER THE FCC PHASED RELOCATION PLAN UNWORKABLE AND MAKE MSS PROHIBITIVELY EXPENSIVE

In its previous decisions in the 2 GHz MSS proceeding, the Commission has been confronted with a very difficult challenge regarding relocation of various terrestrial users operating in the band. Recognizing that the total cost of moving all of those different users concurrently with the introduction of MSS services would be prohibitively expensive, the Commission crafted a complex but workable phased relocation plan designed to distribute the relocation costs over time. The relocation approach adopted by the Commission includes phased introduction of MSS systems (starting with small spectrum assignments but needing to expand as use increases) and phased relocation of the old terrestrial users. It is simply impossible to add additional degrees of complexity to this relocation approach by trying to include additional services in the limited band.

Any reallocation of MSS spectrum will likely require incumbent Broadcast Auxiliary Service (“BAS”) operators to be relocated simultaneously, rather than in gradual phases, thus accelerating the costs to be borne by new 2 GHz entrants. This result would undermine the fair accommodation of MSS concerns that the FCC sought to achieve with its phased relocation plan. Under the plan, the first 2 GHz MSS operators

¹⁰ *Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz and 48.2-50.2 GHz Frequency Bands*, Further Notice of Proposed Rule Making, FCC Rcd 12244, 12248 ¶ 8 (2001) (emphasis added).

¹¹ *2 GHz MSS Allocation Order* at 7395 ¶ 14.

are required to clear 18 MHz of former BAS spectrum at 1990-2008 MHz during the first phase. These operators are required to relocate BAS licensees in the top 30 markets before commencing operations, but are given three additional years to relocate BAS licensees in the next 70 largest markets. During the second phase, which commences when the spectrum at 1990-2008 MHz is no longer sufficient for MSS needs, MSS operators must relocate BAS licensees from the 2008-2023 MHz band in the top 30 markets before commencing service and in the next 70 largest markets within three more years.¹²

Because of the enormous costs of relocating BAS incumbents in one step, the FCC chose instead to adopt a phased relocation plan in order to minimize the costs to be borne by MSS operators.¹³ In fact, several 2 GHz MSS applicants offered credible evidence demonstrating the infeasibility of requiring simultaneous BAS relocation by virtue of the costs involved and the burden on manufacturers and skilled personnel needed to retune BAS equipment.¹⁴ By adopting the phased relocation plan, the FCC specifically intended to permit 2 GHz MSS licensees to incur BAS relocation costs over a number of years and thus recoup their costs from operating revenues, rather than start-up capital.¹⁵

If, however, a reallocation of 2 GHz MSS spectrum requires the elimination of the phased 2 GHz relocation plan, 2 GHz MSS licensees would be forced to bear enormous

¹² *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, Second Report and Order and Second Memorandum Opinion and Order, 15 FCC Rcd 12315, 12325 ¶ 27 (2000).

¹³ *Id.*

¹⁴ *Id.* at 12325 ¶ 24, 12327 ¶ 35.

relocation costs prior to the commencement of any service. As a result, those licensees will be unable to recoup their costs from operating revenues, but rather must obtain immediate access to capital in order to survive this FCC-imposed financial burden. Reallocation of 2 GHz MSS spectrum thus is simply untenable.

IV. CONCLUSION

Based on the foregoing, SCD urges the Commission to maintain its existing 2 GHz MSS allocation without modification.

Respectfully submitted,

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¹⁵ *Id.* at 12327 ¶ 35.