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

In the Matter of	)	
	)	
Flexibility for Delivery	)	IB Docket No. 01-185
of Communications by	)	
Mobile Satellite Service Providers	)	
in the 2 GHz Band, the L-band, and the	)	
1.6/2.4 GHz Band	)	
	)	
Amendment of Section 2.106 of the	)	ET Docket No. 95-18
Commission's Rules to Allocate Spectrum at	)	
2 GHz for Use by the Mobile Satellite Service	)	

REPLY COMMENTS OF COMTECH MOBILE DATACOM CORP.

Comtech Mobile Datacom Corp. ("CMDC"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, hereby submits its reply to the comments of other parties in response to the *Notice of Proposed Rulemaking* in the above-captioned proceeding, FCC 01-225 (rel. Aug. 17, 2001) ("*Notice*").

The record before the Commission demonstrates that further study is needed to determine whether an ancillary terrestrial component ("ATC") can be added to mobile satellite service ("MSS") operations without harming existing MSS users. CMDC accordingly renews its request for the establishment of a technical working group of interested parties to evaluate these issues. Furthermore, if ATC is to be permitted, the Commission must take steps to ensure that the terrestrial operations are truly ancillary. Finally, CMDC agrees with other commenting

parties that the Commission should not allow non-MSS licensees to commence terrestrial operations in MSS spectrum.

I. THE RECORD DEMONSTRATES THAT FURTHER STUDY OF ATC PROPOSALS IS NEEDED

In its initial comments, CMDC indicated that it has a strong interest in proposals to use L-band MSS spectrum for terrestrial operations. CMDC Comments at 2. CMDC currently uses L-band space segment provided by TMI Communications and Company, L.P. ("TMI") to offer packet-switched data services used by government and commercial customers. As an L-band service provider without its own satellite, CMDC depends on continued access to reliable space segment provided by MSS licensees. Thus, CMDC's interest is assuring that the introduction of ATC would not adversely impact L-band spectrum availability or service quality.

The record before the Commission indicates that other parties share CMDC's questions regarding whether ATC can proceed without harming satellite-only services. Inmarsat, for example, argues that ATC would create damaging interference to Inmarsat's space stations and user terminals and would worsen the current shortage in available L-band spectrum.[1] Stratos voices similar concerns.[2] The Mobile Satellite Users Association notes the absence of definitive technical

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[1] Inmarsat Ventures PLC ("Inmarsat") Comments at 12-16 & Technical Annex.

[2] Stratos Mobile Networks (USA) LLC and MarineSat Communications Network, Inc. ("Stratos") Comments at 8-9.

assessments regarding the potential for ATC to cause interference or reduce available MSS capacity.[3]

In contrast, proponents of ATC claim that ATC will not cause harmful interference. MSV, for example, states that existing technical rules can be applied to protect adjacent band and co-channel licensees from any potential interference.[4] The Globalstar Bondholders assert that if the FCC adopts appropriate interference protection regulations, ATC authority will not prejudice other in-band or adjacent-band licensees, but does not identify what protections are required.[5]

The Commission clearly cannot proceed with consideration of ATC proposals until concerns about interference and reduction of MSS spectrum are adequately addressed. In its comments, CMDC suggested that an appropriate avenue for further exploration of these issues was the formation of a working group of MSS providers. CMDC Comments at 4. CMDC continues to believe that establishment of such a group, made up of both MSS space station licensees and MSS space segment users, is necessary to resolve concerns regarding the

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[3] Mobile Satellite Users Association ("MSUA") Comments at 5.

[4] Motient Services Inc., TMI Communications and Company, Limited Partnership, and Mobile Satellite Ventures Subsidiary LLC (collectively, "MSV") Comments at ii.

[5] Unofficial Bondholders Committee of Globalstar, L.P. ("Globalstar Bondholders") Comments at vii, 29. *See also* Mobile Communications Holdings, Inc. Comments at 11 (supporting ATC proposal and suggesting that FCC can promulgate appropriate rules to ensure that ATC does not prejudice adjacent or in-band licensees); Loral Space & Communications Ltd. Comments at 5 (FCC should permit implementation of ATC proposals "subject to appropriate interference protections").

compatibility of ATC with existing and planned future satellite services. A working group approach would allow face-to-face discussion of the concerns of CMDC and others and exploration of appropriate steps to address interference issues.

Accordingly, CMDC respectfully requests that the Commission convene a working group to study the technical issues raised by ATC and provide input for the Commission's evaluation in this proceeding.

II. THE COMMISSION MUST ENSURE THAT ANY TERRESTRIAL OPERATIONS ARE TRULY ANCILLARY

In evaluating the likelihood that ATC would create interference and decrease available L-band spectrum capacity, one critical issue is how extensively terrestrial operations will be deployed and used. Obviously, the installation of terrestrial facilities in a limited number of major metropolitan areas would lead to a lower risk of harmful interference than would extensive nationwide deployment of land base stations.

In its comments, CMDC argued that only spectrum coordinated for satellite use should be available for ATC. CMDC Comments at 3-4.[6] In addition, we supported the FCC's proposed definition of "ancillary operations" but noted that other more concrete steps may be necessary to ensure that any permitted terrestrial operations are ancillary. *Id*. at 4-5. Specifically, we explained that the FCC should

[6] MSV agrees that ATC operations should be permitted only on frequencies that have been internationally coordinated by the MSS licensee. *See* MSV Comments at 26.

consider developing objective, measurable and enforceable standards for determining whether terrestrial services are ancillary. *Id*. at 5.

Other commenters also express concern about whether terrestrial use would in fact be ancillary. Stratos notes that because the terrestrial market is so much larger than the satellite market, terrestrial use is likely to overwhelm satellite service if ATC is permitted.[7] Inmarsat also expresses doubts about whether MSV's proposed terrestrial operations would be ancillary.[8] The Mobile Satellite Users Association concurs with CMDC's view that the Commission must take action to ensure that ATC is limited to truly ancillary applications.[9]

Several commenters seeking ATC authority oppose any limitations on terrestrial operations, arguing that the only requirement should be that the MSS operator launch a satellite with a nationwide footprint.[10] CMDC agrees that prior launch of a satellite is a necessary condition if ATC is to be truly ancillary, but it is far from sufficient. Simply having a satellite in the air does nothing to ensure that a proper balance is maintained between satellite services and terrestrial operations. Instead, the Commission must not only adopt a definition of "ancillary" but put in place metrics for determining whether terrestrial service remains ancillary.

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7 Stratos Comments at 9-10.

8 Inmarsat Comments at iii, 26-28.

9 MSUA Comments at 5.

10 MSV Comments at 23-25, New ICO Global Communications ("New ICO") Comments at 44; Constellation Communications Holdings, Inc. ("Constellation") Comments at 26-30; Globalstar Bondholders Comments at 29-31.

CMDC is also troubled by the fact that some ATC proponents seek to have terrestrial services designated as co-primary with satellite operations.[11] Other commenters, however, recognize that satellite service must remain primary, and any terrestrial operations can be permitted only on a secondary, non-interference basis.[12] Only through maintaining MSS as a primary service and limiting terrestrial operations to secondary status can the Commission ensure that satellite users are protected and have recourse if they experience harmful interference from terrestrial services.

III. THE FCC SHOULD NOT PERMIT NON-MSS LICENSEES TO OFFER TERRESTRIAL SERVICE IN MSS SPECTRUM

Finally, CMDC agrees with the Mobile Satellite Users Association and other commenters that oppose the Commission's alternative proposal that would allow non-MSS licensees to provide terrestrial services in bands allocated to MSS.[13] Specifically, we concur that preventing interference to satellite uses will be difficult if not impossible if stand-alone terrestrial operations are permitted independent of satellite services.[14] Accordingly, if the Commission decides to permit terrestrial

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11 New ICO Comments at 48-49; Constellation Comments, Appendix at 1.

12 TMI Communications and Company, Limited Partnership Comments at 3; Globalstar, L.P. and L/Q Licensee, Inc. ("Globalstar") Comments at 10; Globalstar Bondholders Comments at 31.

13 MSUA Comments at 4; MSV Comments at 33-36, New ICO Comments at 30-36; Constellation Comments at 16-20; Globalstar Comments at 10; Globalstar Bondholders Comments at 32; Celsat America ("Celsat") Comments at 8.

14 *See, e.g.*, MSV Comments at 35; New ICO Comments at 31-36; Constellation Comments at 18-20; Celsat Comments at 8.

services in MSS spectrum, it must authorize terrestrial operations only by MSS licensees.

CONCLUSION

For the foregoing reasons and those set forth in its comments, CMDC requests further study of interference and spectrum capacity issues raised by ATC proposals. CMDC also asks that the Commission ensure that ATC is restricted to truly ancillary operations and limit any ATC authority to MSS licensees.

Respectfully submitted,

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