

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

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 Generation Wireless Systems)	ET Docket No. 00-258
)	
The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band)	IB Docket No. 99-81
)	
Amendment of the U.S. Table of Frequency Allocations to Designate the 2500-2520/2670- 2690 MHz Frequency Bands for the Mobile- Satellite Service)	RM-9911
)	
Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service)	RM-9498
)	
Petition for Rule Making of UTStarcom, Inc., Concerning the Unlicensed Personal Communications Service)	RM-10024
)	

PETITION FOR RECONSIDERATION

Celsat America, Inc. ("Celsat"), by undersigned counsel and in accordance with Section 1.429 of the Commission's rules, hereby petitions the Commission to reconsider one aspect of its recent decision concerning the reallocation of portions of the 2 GHz frequency band currently licensed the Mobile-Satellite Service ("MSS").¹ Celsat

¹ *In re 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 Wireless Systems, Third Report and Order, Third Notice of Proposed Rulemaking and Second*

is one of several entities authorized to provide MSS service in the 2 GHz band and, accordingly, has an interest in the rules and policies adopted by the Commission in the *Spectrum Reallocation Decision*.

As part of the 2 GHz spectrum reallocation, 16 megahertz of recaptured 2 GHz spectrum and 14 megahertz of unassigned spectrum were reallocated from MSS to fixed and mobile services.² The Commission also determined that any abandoned 2 GHz MSS spectrum recaptured as a result of the initial MSS milestone review, above the 16 megahertz being reallocated, will be redistributed to the authorized MSS operators that remain when the initial milestone review is completed.³ Because the allocated spectrum for MSS and the amount of spectrum that will constitute a 2 GHz MSS licensee's chosen frequency band (a "Selected Assignment") were altered in this process, the Commission decided to modify how Selected Assignments will be identified and where they can be located in the revised MSS bandwidth. Thus, the Commission concluded that – in addition to increasing the amount of spectrum for each Selected Assignment – it will require that a Selected Assignment "be chosen such that the band edge of the assignment is an integer multiple of the revised value from the band edge."⁴

Despite this change to its frequency assignment mechanism, the Commission failed to alter its determination that it will not require Selected Assignments to be "paired" in the uplink and the downlink but instead would continue to "provide

Memorandum Opinion and Order, FCC 03-16 (rel. Feb. 10, 2003) (the "*Spectrum Reallocation Decision*").

² *Id.* at ¶ 32.

³ *Id.*

⁴ *Id.* at ¶ 33.

MSS licensees with the flexibility to choose an assignment in one band independent of the chosen assignment in the other band."⁵ In keeping with the Commission's desire in the *Spectrum Reallocation Decision* to rationalize the procedures for 2 GHz MSS licensees to choose a Selected Assignment, Celsat urges the Commission to reconsider its decision not to require pairing of Selected Assignments in the 2 GHz MSS uplink and downlink. Otherwise, as described below, 2 GHz MSS licensees will be compelled to adopt unnecessarily complicated handset designs.

Under current rules, the first 2 GHz MSS licensee to launch a satellite into its intended orbit may choose Selected Assignments at any integer multiple from the edge of the uplink band and any integer multiple from the edge of the downlink band; there is no requirement that the integer multiple be the same in the uplink and downlink. Thus, if the first licensee to choose its Selected Assignment uses different integer multiples in the uplink and downlink, an offset between uplink and downlink frequencies will result.⁶ In order for a subsequent licensee to accommodate this offset, the subsequent licensee's handset must store a larger number of multiple offsets to operate over different band segments, which is more complex than one that only requires a single fixed offset. In

⁵ *Id.* at fn. 95.

⁶ For example, suppose that a total of four 2 GHz MSS licensees pass the initial milestone review and, therefore, the Commission divides the 2 GHz MSS uplink and downlink bands into four distinct channels. Thereafter, suppose that two of the four successful 2 GHz MSS licensees agree to utilize a common handset design and choose channels 1 and 2 in the uplink and 2 and 3 in the downlink (which have a common offset) as Selected Assignments. Suppose further that the two remaining licensees also agree to utilize a common handset design. The only available selected assignments are 3 and 4 in the uplink and 1 and 4 in the downlink, which have different offsets.

order to avoid this unnecessary complexity, Celsat urges the Commission to require 2 GHz MSS licensees to choose paired Selected Assignments.

Celsat notes that the sole reason the Commission declined to adopt the "pairing" requirement at earlier stages in the 2 GHz MSS proceeding was due to the concerns of ICO that the requirement might hinder its ability to share spectrum with incumbent licensees (which would have permitted ICO to avoid paying for relocation costs of those incumbent licensees).⁷ Given ICO's abandonment of its pure-MSS business plan in favor of MSS with an ancillary terrestrial component – which, by definition, must clear incumbent licensees out the band before service can commence – no public interest benefit will be served by permitting non-paired Selected Assignments and, as Celsat has described herein, unnecessary costs may be imposed on future 2 GHz MSS operations.

⁷ See *In re the Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band*, Report and Order, 15 FCC Rcd 16127, ¶ 23, fn. 92 (2000) ("2 GHz MSS R&O") (citing ICO Supplemental Comments at 6-7).

For the foregoing reasons, Celsat requests that the Commission reconsider its decision in the *Spectrum Reallocation Decision* not to require paired Selected Assignments and instead mandate that all 2 GHz MSS licensees must choose their Selected Assignments such that they are the same integer multiple from the edge of the uplink and downlink bands.

Respectfully submitted,

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