

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Review of the Spectrum Sharing Plan Among) IB Docket No. 02-364
Non-Geostationary Satellite Orbit Mobile)
Satellite Service Systems in the 1.6/2.4 GHz Bands)

**COMMENTS OF THE WIRELESS COMMUNICATIONS ASSOCIATION
INTERNATIONAL, INC.**

The Wireless Telecommunications Association International, Inc. (“WCA”), by its counsel, hereby submits its initial comments in response to the Commission’s *Notice of Proposed Rulemaking* (“NPRM”) in the above-referenced proceeding (“NPRM”).¹

In the recently completed predecessor to this proceeding, IB Docket No. 01-185, the Commission established a regulatory framework under which Mobile Satellite Service (“MSS”) providers are permitted to provide an Ancillary Terrestrial Component (“ATC”) in, *inter alia*, the MSS “Big LEO” downlink band at 2483.5-2500 MHz.² As noted in WCA’s comments in response to the notice of proposing rulemaking in that proceeding, the proposed authorization of ATC in the 2483.5 – 2500 MHz band had potentially serious interference implications for holders of rights to adjacent Multipoint Distribution Service (“MDS”) and Instructional Television Fixed Service (“ITFS”) spectrum at 2500-2690 MHz. Thus, the Commission took pains to adopt rules to ensure that such interference would not occur.

¹ See *Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, IB Docket No. 02-364, FCC 03-15, at ¶¶ 265-273 (rel. Feb. 10, 2003).

² See *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, IB Docket No. 01-185, FCC 03-15 (rel. Feb. 10, 2003).

Indeed, the Commission made it clear that Big LEO MSS/ATC operators in the 2483.5-2500 MHz band have an absolute interference protection obligation relative to MDS and ITFS licensees in the 2500 – 2690 MHz band:

In the unlikely event that an adjacent MSS or other operator does receive harmful interference from ATC operations, either from ATC base stations or mobile terminals, the ATC operator must resolve such interference. If the MSS ATC operator claims to have resolved the interference and other operators claim that interference has not been resolved, then the parties to the dispute may petition the Commission for a resolution of their claims.³

The requirement is codified at Section 25.255 of the Rules.

Now, having established a viable set of rules under which MSS/ATC can operate while protecting MDS/ITFS operations in adjacent spectrum, the Commission seeks comment in the *NPRM* on whether the sole MSS occupant of the 2483.5-2500 MHz band, Globalstar, is actually using the entire band and, if not, whether the Commission should reclaim any spectrum Globalstar is not using and reallocate it for other services.⁴ The Commission suggests that it might reallocate unused spectrum at 2483.5-2500 MHz for, *inter alia*, new Big LEO MSS systems, license-exempt services, site-based or critical infrastructure licensees, or terrestrial CMRS service.⁵ In so doing, the Commission has asked users of spectrum adjacent to 2483.5-2500 MHz to address the interference implications of its proposal.⁶

WCA is agnostic as to which of the above-described services are permitted to occupy any spectrum reallocated from MSS at 2483.5-2500 MHz, so long as MDS/ITFS operators

³ *Id.* at ¶ 104 (footnote omitted).

⁴ *See NPRM.* at ¶ 269.

⁵ *See id.* at ¶¶ 271-272.

⁶ *See id.* at ¶ 272.

are not adversely impacted. Regardless of whether the band is occupied by Big LEO MSS/ATC operations or something else, WCA's fundamental position remains the same: the Commission must extend newly-adopted Section 25.255 of the Rules to ensure that no terrestrial service provider in the 2483.5-2500 MHz band causes harmful interference to adjacent MDS/ITFS operations at 2500-2690 MHz.

In sum, WCA looks forward to assisting the Commission in developing rules and policies that protect MDS and ITFS licensees at 2500-2690 MHz from interference caused by operations in spectrum reallocated from MSS in the 2483.5-2500 MHz band. WCA will provide a more detailed analysis of the issues discussed above once other interested parties have made specific proposals as to (1) how the spectrum should be reallocated and (2) the technical rules that should govern any services in the reallocated spectrum.

Respectfully submitted,

THE WIRELESS COMMUNICATIONS
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