

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of	)	
	)	
Amendment of Parts 25, 74, 78 and 101 of the	)	ET Docket No. 03-254
Rules Regarding Coordination Between the	)	
Non-Geostationary and Geostationary Satellite	)	
Orbit Fixed-Satellite Service and Fixed,	)	
Broadcast Auxiliary and Cable Television	)	
Relay Services in the 7 GHz, 10 GHz and	)	
13 GHz Frequency Bands	)	

**REPLY COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC**

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby file these Reply Comments in the above-captioned proceeding in which the Commission is, among other things, considering modifications to its coordination rules to facilitate sharing between geostationary satellite orbit (“GSO”) fixed satellite service (“FSS”) uplink earth stations and fixed and mobile Broadcast Auxiliary Service (“BAS”) and Cable Television Relay Service (“CARS”) operators in the 12750-13250 MHz (13 GHz) band.<sup>1</sup> MSV supports the proposed coordination rules and urges the Commission to reject the Comments of the Society of Broadcast Engineers (“SBE”) advocating a prohibition on new 13 GHz uplink earth stations within 150 kilometers of the top 100 television markets.<sup>2</sup> Such a prohibition is not necessary to protect mobile BAS/CARS operators, will frustrate the Commission’s goal of facilitating sharing in the 13 GHz band, and will unnecessarily impede MSV’s ability to deploy feeder link earth stations for its next-generation Mobile Satellite Service (“MSS”) satellites.

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<sup>1</sup> *Amendment of Parts 25, 74, 78 and 101 of the Rules, Notice of Proposed Rulemaking*, FCC 03-318, ET Docket No. 03-254 (rel. December 23, 2003) (“*NPRM*”).

<sup>2</sup> *Comments of the Society of Broadcast Engineers, Inc.*, ET Docket No. 03-254 (March 3, 2004) (“*SBE Comments*”).

## Background

*MSV and Its Authorized Feeder Link Frequencies.* MSV is the successor to the entity authorized by the Commission in 1989 to construct, launch, and operate a GSO MSS satellite using L-band service link frequencies.<sup>3</sup> For feeder link frequencies, the Commission authorized MSV to use a total of 200 MHz in each direction in the following bands: 13000-13150 MHz & 13200-13250 MHz (uplink) and 10750-10950 MHz (downlink).<sup>4</sup> MSV launched its satellite, AMSC-1, into orbit at 101°W in 1995 and began offering service in 1996. MSV is authorized to operate a primary and a backup feeder uplink earth station in the 13 GHz band with AMSC-1 as well as with MSAT-1, the L-band MSS satellite licensed by Industry Canada to Mobile Satellite Ventures (Canada) Inc.<sup>5</sup> MSV has applications pending to launch and operate a replacement satellite for AMSC-1 and a satellite to provide MSS in South America.<sup>6</sup> MSV has proposed to operate both of these satellites using the following 500 MHz in each direction for feeder links: 12750-13250 MHz (uplink) and 10700-10950 & 11200-11450 MHz (downlink).

*December 2003 NPRM on Coordination.* In December 2003, the Commission issued the above-captioned *NPRM* proposing to, among other things, modify its rules regarding

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<sup>3</sup>See *Memorandum Opinion, Order and Authorization*, 4 FCC Rcd 6041 (1989); *Final Decision on Remand*, 7 FCC Rcd 266 (1992); *aff'd sub nom., Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275 (D.C. Cir. 1993); *AMSC Subsidiary Corporation Applications to Modify Space Station Authorizations in the Mobile Satellite Service*, 8 FCC Rcd 4040 (1993).

<sup>4</sup>See *Memorandum Opinion, Order and Authorization*, 4 FCC Rcd 6041, ¶¶ 64-72; *AMSC Subsidiary Corporation Applications to Modify Space Station Authorizations in the Mobile Satellite Service*, 8 FCC Rcd 4040, ¶ 43.

<sup>5</sup> Call Sign E930124 (primary feeder link earth station located in Reston, VA); Call Sign E940374 (backup feeder link earth station located in Alexandria, VA).

<sup>6</sup> Mobile Satellite Ventures Subsidiary LLC, Amendment, File No. SAT-AMD-20040209-00014 (replacement application); Mobile Satellite Ventures Subsidiary LLC, Amendment, File No. SAT-AMD-20040227-00021 (application for satellite to serve South America).

coordination between GSO FSS uplink earth stations and fixed<sup>7</sup> and mobile<sup>8</sup> BAS/CARS operators in the 13 GHz band. *NPRM* ¶¶ 15-35. The Commission states that coordination and sharing between these services should be possible given the limited number of satellite earth stations expected to operate in the band. *Id.* ¶ 21.

For coordination of a new 13 GHz uplink earth station with mobile BAS/CARS operators sharing the 13 GHz band, the Commission proposes to apply the existing coordination procedures in Sections 25.203, 25.251, and 101.103(d) of the rules. *NPRM* ¶ 22. For coordination of a new 13 GHz uplink earth station with fixed BAS/CARS operators sharing the 13 GHz band, the Commission proposes to maintain the coordination procedures in Sections 25.203 and 25.251 of the rules. *Id.* ¶ 34.

For coordination of a new mobile BAS/CARS station with an FSS earth station sharing the 13 GHz band, the Commission proposes to allow the BAS/CARS licensees the flexibility to use either the informal *ad hoc* coordination process in Sections 74.638 and 78.36 of the rules or the coordination procedures in Section 101.103(d) of the rules. *NPRM* ¶ 27. For coordination of a new fixed BAS/CARS station with an FSS earth station sharing the 13 GHz band, the Commission proposes to apply the coordination procedures in Sections 101.21(f) and 101.103(d) of the rules. *Id.* ¶ 34.

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<sup>7</sup> In the *NPRM*, the Commission notes that fixed BAS/CARS operators use the 13 GHz band for fixed point-to-point stations, such as studio-transmitter link (“STL”), TV relay (“TVR”), TV translator relay (“TTR”), TV microwave booster (“TVB”) stations, and fixed CARS stations used in a point-to-multipoint configuration to distribute content throughout a cable television system or from one cable television system to another. *NPRM* ¶ 19.

<sup>8</sup> In the *NPRM*, the Commission notes that mobile BAS/CARS operators use the 13 GHz band for television pickup (“TVPU”) stations that are used to perform impromptu electronic newsgathering (“ENG”) at the scene of a breaking event and to cover scheduled events, such as sports or political events. *NPRM* ¶ 16.

In Comments filed on March 3, 2004, SBE argues that 13 GHz uplink earth stations pose a substantial interference threat to mobile BAS/CARS operators sharing the band, particularly in urban areas where mobile operations are common. *SBE Comments* ¶¶ 9-10. According to SBE, prior coordination between a new 13 GHz uplink operator and a mobile BAS/CARS operator is unlikely due to the mobile nature of the BAS/CARS operations. *Id.* ¶¶ 9-11. Rather than requiring coordination between new 13 GHz uplinks and mobile BAS/CARS operators, SBE proposes a prohibition on new 13 GHz uplinks within 150 kilometers of the top 100 television markets. *Id.* ¶11.

### **Discussion**

MSV urges the Commission to reject SBE's proposal to prohibit new 13 GHz uplink earth stations within 150 kilometers of the top 100 television markets. *SBE Comments* ¶ 11.<sup>9</sup> Such a prohibition is not necessary to protect BAS/CARS operators, will frustrate the Commission's goal of facilitating sharing in the 13 GHz band, and will unnecessarily impede MSV's ability to deploy feeder link earth stations for its next-generation MSS satellites. MSV has successfully coordinated its 13 GHz uplinks in Reston and Alexandria, Virginia (both within a top 100 television market (Washington, D.C.)) with BAS/CARS operators and has been operating without any interference complaints since these uplinks were licensed almost ten years ago. As The Boeing Company ("Boeing") notes in its Comments, coordination and sharing between uplink earth stations and BAS/CARS operators is feasible for a number of reasons, such as (i) the limited number of uplink earth stations operating in the band; (ii) the ability of earth

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<sup>9</sup> It is unclear whether SBE's proposal is intended to apply to uplink earth stations communicating with either an NGSO or GSO satellite. In the section of its Comments pertaining to the 7 GHz band, SBE states that GSO uplink earth stations pose far less of an interference threat to BAS/CARS operators than NGSO uplink earth stations. *SBE Comments* ¶ 8. Thus, SBE's exclusion zone proposal may not even apply to GSO uplink earth stations in the 13 GHz band, such as those MSV operates.

station operators to identify locations for uplinks that minimize sharing difficulties with BAS/CARS operators; and (iii) the ability of BAS/CARS operators to use techniques to mitigate interference.<sup>10</sup> The coordination procedures proposed by the Commission in the *NPRM* will ensure that both satellite and terrestrial users can co-exist in the 13 GHz band. MSV agrees with the Commission that these procedures will “achieve a viable balance between the needs of FSS licensees for certainty and reliability and the needs of BAS/CARS for flexibility.” *NPRM* ¶ 33. Conversely, an exclusion zone approach as endorsed by SBE will only serve to frustrate the Commission’s goal of facilitating sharing in the band. Finally, if adopted, SBE’s proposal will needlessly impede MSV’s ability to deploy feeder link earth stations for its next-generation MSS satellites. The burdens on MSV of restricting its flexibility to deploy new 13 GHz uplink earth stations far outweigh any benefit SBE may envision, especially considering that MSV has experienced no difficulty in coordinating its existing 13 GHz uplink with BAS/CARS operators and that the Commission’s proposed coordination procedures will ensure that 13 GHz uplinks and mobile BAS/CARS operators coexist.

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<sup>10</sup> Comments of The Boeing Company, ET Docket No. 03-254 (March 3, 2004), at 2-5.

**Conclusion**

MSV urges the Commission to act consistently with the views expressed herein.

Respectfully submitted,

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