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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)
)
SPACE SYSTEM LICENSE, INC., and)
)
IRIDIUM CONSTELLATION LLC)
)
For Authority to Assign Various)
Licenses and Authorizations and)
Assume Certain Pending Applications)
Related to the Iridium Satellite System)
_____)

File Nos. SAT-ASG-20010319-00025
and 18-SAT-ML-97

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Satellite Policy Branch
International Group

OPPOSITION

Pursuant to Section 25.154 of the Commission's Rules and Report No. SAT-00070 (released April 17, 2001), L/Q Licensee, Inc. ("LQL") and Globalstar, L.P. ("GLP"),¹ hereby oppose further action on the application originally filed by Motorola Satellite Communications, Inc. ("Motorola"), to modify the Iridium space system authorization to include Aeronautical Mobile Satellite (Route) Service ("AMS(R)S").² This attempted modification to the Iridium system authorization is

¹ LQL is the licensee of the Globalstar™ satellite constellation. See Loral Qualcomm Partnership, L.P., 10 FCC Rcd 2333 (1995). Globalstar, L.P., owns and manages the international Mobile-Satellite Service business. Therefore, both have an interest in Iridium's proposed service because AMS(R)S transmissions may impact LQL's ability to use its authorized spectrum. See LQL's Petition to Deny or to Grant with Conditions re App. File No. 18-SAT-ML-97 (filed Feb. 18, 1997).

² Iridium Satellite is seeking assignment of the Iridium system license to Iridium Constellation LLC. Iridium Satellite has requested that substitution of Iridium

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fatally flawed and inconsistent with Parts 25 and 87 of the Commission's Rules. Therefore, the application should be dismissed rather than assumed by the assignee of the Iridium space station license unless and until appropriate rules have been adopted for AMS(R)S at 1610-1626.5 MHz through notice-and-comment rulemaking.

BACKGROUND

The Iridium space station authorization was granted to Motorola on January 31, 1995.³ Subsequently, Motorola filed a modification application to include AMS(R)S among the services authorized thereunder (Application File No. 18-SAT-ML-97). LQL, among others, opposed the AMS(R)S application when it was originally filed. LQL and GLP reaffirm LQL's opposition as reflected in its letter to the Chief of the International Bureau dated January 8, 1997, the "Petition to Deny or to Grant with Conditions" (filed Feb. 18, 1997) and "Reply to Consolidated Opposition" (filed Apr. 21, 1997).

Previously, LQL pointed out that use of the 1610-1626.5 MHz band for an aviation safety service such as AMS(R)S over a system with the Iridium design is

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Satellite for Motorola on the pending AMS(R)S application be treated as a minor amendment and that it be granted at the same time as the assignment applications. See Form 312, Schedule A, Ex. G, at 4. Based on the deficiencies in the AMS(R)S application as described herein, that modification application should be dismissed rather than assumed by Iridium Satellite.

³ See Motorola Satellite Communications, Inc., 10 FCC Rcd 2268 (Int'l Bur. 1995).

inconsistent with the U.S. Table of Frequency Allocations. The Iridium system operates on a bidirectional basis in the 1621.35-1626.5 MHz band. However, there is only a secondary allocation for MSS downlinks at 1613.8-1626.5 MHz. A safety service, such as AMS(R)S, generally requires priority over other co-frequency uses, which is not consistent with the secondary downlink.

Offering AMS(R)S in the 1610-1626.5 MHz band is also inconsistent with the rules adopted for the MSS Above 1 GHz service. The MSS Above 1 GHz service rules were adopted to accommodate the systems that were then on file. None of the original applicants proposed a safety service in the bands, and so, the impact of providing such a service on the available spectrum and on authorized commercial MSS operations was not considered.

Moreover, the Commission's rules and policies are specifically designed to protect previously-proposed and/or authorized systems from potential interference by new applications. As a later-in-time application, the AMS(R)S proposal is too late to seek priority over previously-authorized stations such as the Globalstar satellite constellation.

All these arguments were never rebutted by Motorola. In addition and more recently, the Commission has determined in similar circumstances that its Part 25 rules do not permit the provision of AMS(R)S in Mobile-Satellite Service ("MSS") bands. In fact, Iridium LLC itself opposed an application to offer AMS(R)S in the 2 GHz MSS bands based on a deficiency that applies equally to the 1.6/2.4 GHz bands. Therefore, the Commission should dismiss the AMS(R)S application, or, at

the least, hold it in abeyance until rules and policies governing such a service have been adopted through notice-and-comment rulemaking.

I. THE AMS(R)S APPLICATION SHOULD BE DISMISSED BECAUSE PART 87 DOES NOT AUTHORIZE THAT SERVICE IN THE 1.6/2.4 GHZ BANDS.

In circumstances similar to the application to provide AMS(R)S over the Iridium system, The Boeing Company requested permission to offer AMS(R)S in the 2 GHz MSS allocation (1990-2025 MHz and 2165-2200 MHz).⁴ Boeing also asked the Commission to adopt a 2 GHz MSS service rule authorizing AMS(R)S in those bands.⁵ GLP, Iridium LLC and others opposed Boeing's request.⁶

The Commission declined to adopt a service rule for 2 GHz MSS authorizing licensees to provide AMS(R)S. It agreed with Iridium LLC and others that, as an aviation safety service, AMS(R)S is governed by Part 87, rather than Part 25. The 2 GHz MSS bands are not included in Part 87 as frequencies authorized for aviation safety services. Therefore, for Boeing to be able to offer AMS(R)S at 2 GHz, there would first have to be a Part 87 rulemaking to adopt rules governing aviation services in those bands. The Commission outlined the issue thus:

[T]he Notice explained that the Commission's rules have specific requirements concerning licensing of terminals for

⁴ See The Boeing Company, Application File Nos. 179-SAT-P/LA-97(16) and 90-SAT-AMEND-98.

⁵ See The Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band, 15 FCC Rcd 16127, ¶¶ 61-62 (2000).

⁶ See id. at ¶ 63.

aviation distress and safety communications. These rules explicitly state which frequency bands may be used for aircraft-to-satellite AMS(R)S transmissions and do not include the 1990-2025/2165-2200 MHz bands. Iridium and ARINC state that Part 87.187 and the U.S. Table of Frequency Allocations would need to be amended to permit the operation of Boeing's terminals, yet no rulemaking is pending. Boeing states that it intends to file a petition for rulemaking with the Commission seeking a revision of Part 87 to permit aeronautical Earth stations to operate in the 2 GHz MSS frequency bands but does not believe that this should delay licensing of the satellite portion of the proposed system.

We agree with the commenters stating that Part 87 will have to be amended or waived to permit Boeing to operate AMS(R)S earth stations in the United States. We do not, however, undertake those regulatory changes here because it involves issues outside the scope of this proceeding and will require a separate notice and comment process.⁷

The deficiency in the 2 GHz bands pointed out by Iridium LLC with respect to Boeing's request applies equally to the 1610-1626.5 MHz band, for which Motorola requested authority to provide AMS(R)S.

Unlike the 2 GHz MSS bands, the 1610-1626.5 MHz is included as part of the 1559-1626.5 MHz band made available for aviation services in Part 87. However, the 1559-1626.5 MHz band is only included in Part 87 for "airborne electronic aids to air navigation," not AMS(R)S.⁸ The only airborne aids that use the 1559-1626.5

⁷ Id. at ¶¶ 65-66 (footnotes omitted).

⁸ See 47 C.F.R. §§ 87.187(r); 87.475(b)(8).

MHz band are the U.S. Global Positioning System and the Russian GLONASS system, both of which are passive, non-communications services.⁹

In contrast, AMS(R)S is “reserved for communications relating to safety and regularity of flights, primarily along national or international civil air routes.”¹⁰

The 1610-1626.5 MHz MSS band is not included in Part 87 as a band available for a safety service that includes a communications component. This is established by the fact that the classes of stations permitted in the 1559-1626.5 MHz band do not include aircraft earth stations transmitting AMS(R)S or other communications in an aviation safety service.¹¹ Therefore, for the very same reason that Boeing cannot be authorized to provide AMS(R)S at 2 GHz at this time, the Iridium system cannot be authorized to provide AMS(R)S at 1621.35-1626.5 MHz under the Commission’s current rules.

⁹ See Amendment of the Commission’s Rules to Establish Rules and Policies Pertaining to a Mobile-Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Band, 9 FCC Rcd 5936, ¶ 122 (1994); see also 47 C.F.R. § 2.106 RR S5.366. RR S5.366 allocates the 1610-1626.5 MHz band for use by airborne electronic aids to air navigation, while RR S5.367 is the allocation for AMS(R)S in the band on which the Iridium application relies. By using separate footnotes, the ITU treats AMS(R)S and electronic aids to navigation as separate allocations.

¹⁰ 47 C.F.R. § 87.5.

¹¹ See 47 C.F.R. § 87.173(b). The 1559-1626.5 MHz band can only host aircraft (“MA”) and radiolocation land (“RL”) stations for aeronautical navigation. In contrast, the band 1646.5-1660.5 MHz, which includes an AMS(R)S allocation, can host aircraft earth stations (“TJ”) in the Aeronautical Mobile Satellite (Route) Service.

Indeed, because AMS(R)S is an aviation safety service, Motorola's original application should have been filed under Part 87 rather than Part 25. Had Motorola filed the appropriate application, it would have been readily apparent that its application for AMS(R)S is not grantable without changes to the Part 87 rules.

II. CONCLUSION

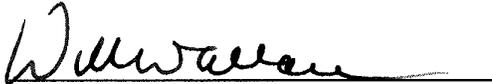
For the reasons set forth in LQL's original opposition pleadings and above, GLP and LQL urge the Commission to dismiss the application to offer AMS(R)S over the Iridium system, and not to entertain such an application unless and until appropriate rules governing such service have been adopted through notice-and-comment rulemaking.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 17th day of May, 2001, caused to be served true and correct copies of the foregoing "Opposition" upon the following parties via hand delivery (marked with an asterisk (*)) or first-class United States mail, postage prepaid, to the following persons:

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