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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

JUN 1 2001

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

Received

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RESPONSE

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"), hereby submit this "Response" to the "Reply to Joint Opposition" filed by Space System License, Inc. ("SSL") and Iridium Constellation LLC.

The above-referenced application was originally filed by Motorola Satellite Communications, Inc., to modify the Iridium space system authorization to include Aeronautical Mobile Satellite (Route) Service ("AMS(R)S"). As part of the proposed assignment of licenses related to the Iridium satellite system from Motorola, Inc., and its affiliates to Iridium Constellation and its affiliates, the parties have requested that the AMS(R)S application be granted at the same time as the assignment applications.

LQL and GLP filed an “Opposition” to grant of the AMS(R)S application, reaffirming the arguments previously filed by LQL during the initial pleading cycle regarding the application in 1997. LQL and GLP also pointed out that, in the meantime, the Commission has adopted a ruling in similar circumstances that precludes grant of this AMS(R)S application.

I. The Opposition Must Be Considered in this Proceeding.

SSLI and Iridium Constellation claim that the Opposition should be dismissed because LQL and GLP should not be allowed to “rehash” arguments previously submitted or to raise new arguments in the context of the current pleading cycle. These contentions are flatly incorrect. There is no bar to raising arguments against a pending application outside the pleading cycle. See 47 C.F.R. § 25.154(b). And, contrary to their claim of only seeking substitution of Iridium Constellation on the application (Reply, at 4), SSLI and Iridium Constellation specifically asked for grant of the AMS(R)S modification in conjunction with the assignment applications. See Form 312, Schedule A, Ex. G. Therefore, the applicants themselves initially raised the issue of whether the AMS(R)S application is grantable in this context.

Moreover, the new argument cited by LQL and GLP arises from a Commission decision adopted between the first and second pleading cycles. As new law, it is appropriate for LQL and GLP to point it out in this context, particularly since the new decision confirms that the AMS(R)S application is inconsistent with the Commission’s Rules.

II. Grant of the Application Is Barred Because Part 87 Does Not Authorize AMS(R)S in the 1610-1626.5 MHz Band.

In their Opposition, LQP and GLP pointed out that the Commission has previously declined to authorize AMS(R)S in the 2 GHz Mobile-Satellite Service (“MSS”) strictly under Part 25.¹ Rather, as an aviation safety service, AMS(R)S is governed by the Part 87 rules, rather than Part 25, and to provide AMS(R)S in the 2 GHz MSS bands, the Part 87 rules would require modification.² As LQL and GLP noted, the 1610-1626.5 MHz MSS band, like the 2 GHz MSS band, is not included in Part 87 as a band available for an aviation safety service such as AMS(R)S. Therefore, the Iridium system cannot be authorized to provide AMS(R)S at 1621.35-1626.5 MHz under the Commission’s rules unless the Part 87 rules are modified.

SSLI and Iridium Constellation argue that Part 87 only governs the user terminals that operate with an aviation safety service. Reply, at 8. However, the Commission’s 2 GHz decision is on point because the issue of providing AMS(R)S in the 2 GHz MSS band was raised in the context of space station rules, just as the Iridium application concerns the Iridium satellite constellation. In any event, if Part 87 precludes authority for AMS(R)S terminals, then there is no reason to authorize the AMS(R)S space station transmissions.

¹ See The Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band, 15 FCC Rcd 16127, ¶¶ 64-65 (2000).

² Id., at 66.

SSLI and Iridium Constellation also argue that Section 25.102 contains “the appropriate requirements” to authorize a satellite system to provide AMS(R)S. Reply, at 8. However, that section simply precludes satellite and earth station transmissions that are not authorized under the Commission’s Rules. It does not deal with the specific issues raised by granting the AMS(R)S application.

III. Conclusion

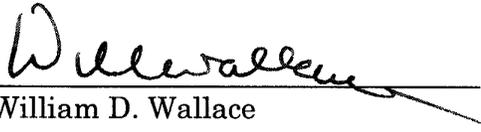
Accordingly, for the reasons set forth in LQL’s and GLP’s Opposition and above, the application to provide AMS(R)S should be dismissed rather than assumed by the assignee of the Iridium space station license unless and until appropriate rules have been adopted for AMS(R)S at 1610-1626.5 MHz through notice-and-comment rulemaking.

Respectfully submitted,

L/Q LICENSEE, INC.
GLOBALSTAR, L.P.

Of Counsel:

William F. Adler
Vice President, Legal and
Regulatory Affairs
Globalstar, L.P.
3200 Zanker Road
San Jose, CA 95134
(408) 933-4401


William D. Wallace

CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington D.C. 20004
(202) 624-2500

Their Attorneys

Date: June 1, 2001

CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 1st day of June, 2001, caused to be served true and correct copies of the foregoing "Response" upon the following parties via hand delivery (marked with an asterisk (*)) or first-class United States mail, postage prepaid, to the following persons:

Donald Abelson *
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-C750
Washington, D.C. 20554

Thomas S. Tycz *
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A665
Washington, D.C. 2055

Fern Jarmulnek *
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A523
Washington, D.C. 20554

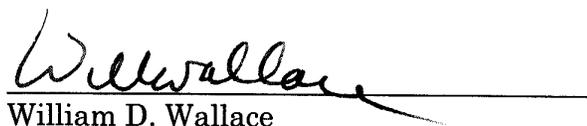
Karl Kensinger *
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A663
Washington, D.C. 20554

James Bird *
Office of General Counsel
Federal Communications Commission
445 Twelfth Street, S.W., Room 8-C824
Washington, D.C. 20554

Philip Malet
James M. Talens
Step toe & Johnson
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795

Thomas P. Van Wazer
R. Clark Wadlow
Sidley & Austin
1722 Eye Street, N.W.
Washington, D.C. 20006

Carl R. Frank
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006


William D. Wallace