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DA 93-7117

***1 IN THE MATTER OF**
 SOUTHWEST COMMUNICATIONS, INC.
 APPLICATION FOR AUTHORITY TO PROVIDE AERONAUTICAL, MARITIME AND INTERNATIONAL
 LAND MOBILE-SATELLITE SERVICES VIA THE INMARSAT SYSTEM
 File No. ITC-93-102

Adopted: June 17, 1993; Released: June 28, 1993
 **4309 MEMORANDUM OPINION, ORDER AND CERTIFICATE

By the Chief, International Facilities Division:

1. Upon consideration of the above-captioned uncontested application, filed pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, IT IS HEREBY CERTIFIED that the present and future public convenience and necessity require the provision of maritime mobile-satellite services, international aeronautical mobile-satellite services, and certain international land mobile-satellite and land-based temporary fixed-satellite services by Southwest Communications, Inc. (SCI).

2. Accordingly, IT IS ORDERED that, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Sections 503 and 504 of the International Maritime Satellite Act of 1978, 47 U.S.C. §§ 752 and 753, application File No. ITC-93-102 IS GRANTED and Southwest Communications, Inc. IS AUTHORIZED to provide:

(i) maritime mobile-satellite services to ships in the Atlantic Ocean Region (AOR) and Pacific Ocean Region (POR) via Inmarsat First and Second Generation satellites;

(ii) international aeronautical mobile-satellite services in the AOR and POR via Inmarsat First and Second Generation satellites consistent with CC Docket No. 87-75 and Gen. Docket No. 84-1234; and

(iii) international land mobile-satellite services (LMSS) and land-based temporary fixed-satellite services between SCI's fixed land earth stations in the United States and mobile-satellite terminals in foreign points outside of North America [FN1] via Inmarsat First and Second Generation satellites. These services shall include (i) communications within and between foreign countries, excluding Canada and Mexico, [FN2] and

(ii) communications between North America and mobile-satellite terminals located outside North America.

These services are to be provided in: 1) the Atlantic Ocean Region-East via Southwest Communications, Inc.'s authorized fixed land earth station at Staten Island, New York (call sign KA-227); and 2) the Atlantic Ocean Region-West and Pacific Ocean Region via Southwest Communications, Inc.'s authorized fixed land earth stations at Niles Canyon, California (call signs KA-63 and KA-76, respectively).

3. IT IS FURTHER ORDERED that SCI shall provide aeronautical satellite service only to aircraft in international flight as defined in the Commission's decision in CC Docket No. 87-75.

4. IT IS FURTHER ORDERED that SCI shall comply with established arrangements

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for handing-off aeronautical traffic between the Inmarsat system and a domestic system in accordance with the Commission's decision in CC Docket No. 87-75.

5. IT IS FURTHER ORDERED that SCI is authorized to provide international LMSS and land-based temporary fixed-satellite services only within the frequency bands specified below which are consistent with the U.S. allocation for maritime services. Thus, SCI shall serve only those land mobile-satellite and land-based temporary fixed-satellite terminals communicating in the transmit frequency band 1626.5-1645.5 MHz and the receive frequency band 1530-1544 MHz for the mobile-to-satellite and satellite-to-mobile links of its international and land mobile-satellite services. In addition, users of this service shall obtain the appropriate license or other authorization from the local telecommunications authority of the country in which the terminal will be used and any necessary licenses or authorizations from Agencies or Departments of the United States government (such as Treasury or Commerce). Thus, this authorization shall not be construed as providing domestic uplink or downlink authority within countries outside of the United States.

*2 6. IT IS FURTHER ORDERED that SCI shall provide international LMSS via SCI's fixed land earth stations only if these earth stations have been authorized to provide this service, and are transmitting via the Inmarsat Second Generation satellites on 6425-6440 MHz and receiving on 3600-3620 MHz. SCI may also use these land earth stations when they are providing land mobile-satellite service via Inmarsat First Generation satellites transmitting on 6417.5-6425 MHz and receiving on 4192.5-4200 MHz, but only when these satellites are being used as backups to the Second Generation satellites.

7. IT IS FURTHER ORDERED that this broad authority does not cover the provision of maritime mobile-satellite, international aeronautical mobile-satellite, international land mobile-satellite or land-based temporary fixed-satellite services via any Third Generation (or later) Inmarsat satellites. In addition, SCI is authorized to provide only those services for which its land earth stations KA-227, KA-63 and KA-76 have Title III authority to provide.

**4310 8. IT IS FURTHER ORDERED that SCI shall maintain as its first priority the service of maritime commercial, safety and distress needs, and in particular uphold the safety and distress requirements of the Global Maritime Distress and Safety System.

9. IT IS FURTHER ORDERED that SCI will be classified as nondominant in the provision of the services authorized herein.

10. IT IS FURTHER ORDERED that, pursuant to Section 203 of the Communications Act, 47 U.S.C. § 203, Part 61 of the Commission's Rules, 47 C.F.R. Part 61, and Section 504 of the Inmarsat Act, 47 U.S.C. § 754, SCI shall file such amendments to current tariffs with the Commission consistent with this decision.

11. IT IS FURTHER ORDERED that SCI shall file copies of any operating agreements entered into by itself or its parent/affiliates with its correspondents within 30 days of their execution.

12. IT IS FURTHER ORDERED that SCI shall file the annual reports of overseas telecommunications traffic required by Section 43.61 of the Commission's Rules, 47 C.F.R. § 43.61.

13. The Commission retains jurisdiction over this matter to ensure the nondiscriminatory use of, and equitable access to, the Inmarsat satellite

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system.

14. This order is issued under § 0.291 of the Commission's Rules and is **effective upon adoption.** Petitions for reconsideration under § 1.106 or applications for review under Section 1.115 of the Commission's Rules may be filed within 30 days of public notice of this order (See Section 1.4(b)(2)).
FEDERAL COMMUNICATIONS COMMISSION

George S. Li
Chief, International Facilities Division
Common Carrier Bureau

FN1. For purposes of this application, North America is defined as comprising the land area of Canada, Mexico, and the United States. The United States includes Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands.

FN2. Service also shall be excluded to countries for which the United States has an embargo on telecommunications.

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