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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of the Application of)
ORBITAL COMMUNICATIONS CORPORATION) File No.22-DSS-MP-90(20)
For Authority to Construct a Low-)
Orbit Mobile Satellite System)

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COMSAT's RESPONSE
TO ORBITAL COMMUNICATIONS REPLY COMMENTS

Domestic Business Division
Satellite Radio Branch

Communications Satellite Corporation, through its World Systems Division ("COMSAT"), hereby responds to Orbital Communications Corporation's ("ORBCOMM") Reply Comments filed with the Commission on May 29, 1990 in the above-captioned proceeding.

COMSAT's position, set forth in our Comments, is that U.S. treaty obligations with INMARSAT and INTELSAT require ORBCOMM to consult its proposed system under Article 14 of the INTELSAT Agreement and, to the extent maritime services are provided, notify INMARSAT under Article 8 of the INMARSAT Convention. We also submitted that to the extent ORBCOMM provides international communications services, its system operations would be subject to the same policies and conditions as apply to U.S. separate systems. Separate Systems, 1 FCC Rcd 439 (1986); Separate Systems, 61 RR 2d 649 (Reconsideration Order) (1986); Separate Systems, 101 FCC 2d 1046 (1985).

In reply, ORBCOMM contends that any INTELSAT 14 (d) consultations should not include an economic harm analysis in view of "the specialized, mobile nature of its offerings," referencing INTELSAT Document BG-84-81E March 13, 1990 (at 2.) This document is a report of the informal working party established to assist the INTELSAT Board of Governors in its review of Article 14(d). We understand that the upcoming INTELSAT Assembly of Parties may consider streamlining the Article 14(d) process with respect to certain mobile services. COMSAT is in favor of such an approach. However, unless and until there is any change in the Article 14(d) procedures, the U.S. is required under its treaty obligations to include an economic harm analysis in any Article 14(d) consultation for ORBCOMM'S proposed system.

ORBCOMM also states that the Commission's "separate systems limitations are inapplicable, because ORBCOMM's proposed specialized services are outside of 'INTELSAT's core revenues obtained from supplying space segment capacity for international switched message services.'" This position is plain error since the separate system policies encompass all services offered by separate system operators, and there is no basis in the record of applicable Commission orders for ORBCOMM's distinction.^{1/}

^{1/} ORBCOMM may perhaps be suggesting that its system would be separate from INMARSAT, which would require a new Presidential Determination consistent with section 504(a) of the INMARSAT Act before the Commission could act on the application. Such a requirement could arguably be averted by full application of separate system policy, including the service restrictions.

COMSAT therefore respectfully requests that the Commission condition its grant of ORBCOMM's Application on prior compliance of the above.

Respectfully submitted

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June 11, 1990

CERTIFICATE OF SERVICE

I, Deborah Lee, do hereby certify that a copy of the foregoing Response to Orbital Communications Corporation Reply Comment was served by first class mail, this 12th day of June 1990, on the following:

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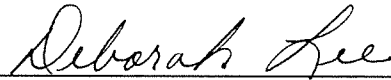
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