

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

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JUN 20 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
STARSYS GLOBAL)
POSITIONING, INC.)
)
Application for Authority to Construct)
a Low-Earth Orbit Mobile-Satellite System)

File No. 33-DSS-P-90(24)

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JUN 22 1994

DOMESTIC FACILITIES DIVISION
SATELLITE RADIO BRANCH

To: Chief, Common Carrier Bureau

COMMENTS

Volunteers in Technical Assistance ("VITA"), by its attorneys, hereby submits its comments with respect to the April 25, 1994, amendment of STARSYS Global Positioning, Inc. ("STARSYS"). These comments are filed for the purpose of correcting an inaccuracy that recurs throughout the STARSYS amendment.

In its amendment, STARSYS refers repeatedly to the "joint spectrum sharing agreement" between the parties. STARSYS also inaccurately characterizes the August 1992 "Jointly Filed Supplemental Comments of Orbcomm, STARSYS and VITA" as a "Joint Frequency Sharing Agreement."¹ It was and is VITA's understanding that the August 1992 joint comments, to which VITA was a party, were intended to demonstrate the capability of the three systems to co-exist in the available spectrum by presenting one scenario under which all of the systems could begin operations. The August 1992 comments, however, do not constitute a legally binding agreement that provides VITA or the other little LEO applicants with exclusive assignments of frequencies in the allocated band.

The Commission made clear in the Report and Order in CC Docket No. 92-76 that frequencies will not be exclusively assigned to any licensee. Qualified applicants, therefore, should be licensed to all the frequencies in the available band, subject to frequency coordination as to particular usage. As VITA made clear in its May 5, 1994 comments with respect to the Orbcomm amendment, and in its April

¹ See Letter to William F. Caton from Ashok Kaveeshwar, dated April 25, 1994, at 4, 5, 6, 11, Attachment A at A-21.

24, 1994 amendment (Exhibit C, pp. 37-38), VITA intends to use the upper 90 KHz segment of the 148-149.9 MHz band for initial uplink transmissions. VITA should have the option, however, to expand in the future in other portions of the allocated bands, subject to coordination.

Respectfully submitted,

VOLUNTEERS IN TECHNICAL
ASSISTANCE

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June 20, 1994

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Comments was sent by first-class mail, postage prepaid, this 20th day of June, 1994, to each of the following:

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