

DUPLICATE

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)
TRW Inc.)
For Authority to Construct, Launch, and Operate)
a Low Earth Orbit Satellite System in the)
1610-1626.5 MHz/2483.5-2500 MHz Band)

Received

File No.s 20-DSS-P-91(12)

MAR 6 1995

CSS-91-015

18-SAT-AMEND-95

Satellite and Telecommunication Division
Satellite Policy Branch

PETITION FOR RECONSIDERATION

AMSC Subsidiary Corporation ("AMSC") hereby petitions for reconsideration of the Order and Authorization released January 31, 1995, in the above-referenced matter.^{1/} In the Order and Authorization, the Commission authorized TRW Inc. ("TRW") to construct, launch and operate a low-Earth orbit ("LEO") mobile satellite service ("MSS") system in the 1.6/2.4 GHz bands. AMSC herein only requests that the Commission clarify that grant of the license to TRW is conditioned on the outcome of the Commission's rulemaking, which established service rules for MSS systems operating in the 1.6/2.4 GHz bands.

AMSC initially applied to use the 1.6/2.4 GHz bands with geostationary orbit ("GSO") satellites. Pursuant to the procedures set forth in the Report and Order in CC Docket 92-166, however, AMSC amended its application to conform with the Commission's rules concerning non-geostationary orbit ("non-GSO") use of the band but, as permitted by the Commission, deferred its financial showing until January 1996. AMSC also filed a Petition for

^{1/} AMSC is concurrently filing Petitions for Clarification of the authorizations that were issued January 31, 1995 to Motorola Satellite Communications, Inc. and Loral/Qualcomm Partnership, L.P. As an applicant for the subject frequencies, AMSC has standing to file this petition. By filing these petitions, AMSC in no way seeks to delay the implementation of any of the licensed systems.

Reconsideration of the rules urging the Commission to: (1) permit AMSC to access at least a portion of the band as part of its domestic GSO MSS system;^{2/} (2) reverse its decision that there is adequate capacity for five of the proposed systems to share the bands but not for all six applicants; and (3) clarify the rights of those applicants for the bands that deferred any showing of their financial qualifications until January 1996.

In the Order and Authorization, the Commission notes that it deferred action on the applications of two of the applicants, Mobile Communications Holding, Inc. and Constellation Communications, Inc. until 1996 and that, based on the intraservice sharing plan adopted in the Report and Order, that "it may not be possible to grant all remaining applications for Big LEO licenses. Nonetheless, in granting TRW's application we insulate TRW from any mutual exclusivity that may arise among the remaining applicants. In other words, while TRW's license is conditional in some respects, it will not be affected in any way if the Commission determines that all three of the remaining applicants are qualified for the two remaining licenses that can be awarded for the currently available spectrum." Order and Authorization, para. 23.

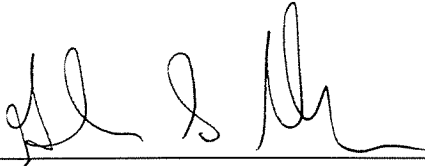
The Commission's language prejudices the outcome of the rulemaking to the detriment of AMSC. AMSC continues to maintain that the Commission cannot discriminate against those applicants making a later financial showing. If AMSC demonstrates its financial

^{2/} AMSC hereby incorporates by reference in this proceeding its Petition for Reconsideration of the Report and Order.


qualifications by January 1996, it need not be concerned that the Commission will take any action that will prejudice its ability to share fully in the available spectrum.

Respectfully submitted,

AMSC SUBSIDIARY CORPORATION



Bruce D. Jacobs
Glenn S. Richards
Fisher Wayland Cooper
Leader & Zaragoza L.L.P.
2001 Pennsylvania Ave., N.W.
Suite 400
Washington, D.C. 20006
(202) 659-3494



Lon C. Levin
Vice President and
Regulatory Counsel
AMSC Subsidiary Corporation
10802 Park Ridge Boulevard
Reston, Virginia 22091
(703) 758-6000

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CERTIFICATE OF SERVICE

I, Leslie Anne Byers, hereby certify that I have this 2nd day of March, 1994, mailed by first class United States mail, postage prepaid, copies of the foregoing "PETITION FOR RECONSIDERATION" to the following:

Norman P. Leventhal
Raul R. Rodriquez
Stephen D. Baruch
David S. Keir
Walter P. Jacob
Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006
Counsel for TRW, Inc.

Michael D. Kennedy
Vice President/Director of Regulatory Relations
Motorola Inc.
Suite 400
1350 I Street, N.W.
Washington, D.C. 20005

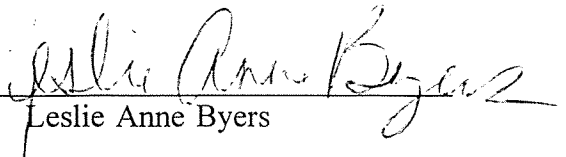
Philip L. Malet*
Alfred M. Mamlet
Pantelis Michalopoulos
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
Counsel for Motorola Satellite Communications, Inc.

Barry Lambergman
Fletcher Heald & Hildreth
11th Floor
51300 North 17th Street
Rosslyn, VA 22209
Counsel for Motorola Satellite Communications, Inc.

John T. Scott, III
William D. Wallace
Stephen M. Byers
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
10th Floor North
Washington, D.C. 20004
Counsel for Loral/Qualcomm Partnership, L.P.

Leslie A. Taylor
Leslie Taylor Associates
6800 Carlynn Court
Bethesda, MD 20817
Counsel for Loral/Qualcomm Partnership, L.P.

Jill A. Stern
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037
Counsel for MCHI



Leslie Anne Byers

*Hand Delivered