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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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In the Matter of the)
Applications of:)
)
TRW INC.) File Nos. 20-DSS-P-91(12)
) CSS-91-015
) 17-SAT-LA-95
) 18-SAT-AMEND-95
)
LORAL/QUALCOMM PARTNERSHIP, L.P.)) File Nos. 19-DSS-P-91(48)
) CSS-91-014
) 13-SAT-LA-95
) 14-SAT-AMEND-95
) 21-SAT-MISC-95
)
For Authority to Construct,)
Launch and Operate Low Earth)
Orbit Satellite Systems to)
Provide Mobile Satellite)
Services in the 1610-1626.5/)
2483.5-2500 MHz Bands.)
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CONSOLIDATED REPLY TO OPPOSITIONS

Pursuant to Section 1.106(h) of the Commission's Rules, Motorola Satellite Communications, Inc. ("Motorola") hereby submits its consolidated Reply to the Oppositions to its Consolidated Petition for Clarification and/or Reconsideration in the above-captioned proceedings.^{1/} In its Petition, Motorola

^{1/} See Consolidated Opposition to Petitions for Reconsideration, filed by Loral/Qualcomm Partnership, L.P. (Mar. 13, 1995); Consolidated Opposition to Petitions for Reconsideration, filed by TRW Inc. (Mar. 15, 1995).

asked the Bureau to place the following two additional conditions on the Orders and Authorizations issued to TRW Inc. ("TRW") and Loral/Qualcomm Partnership, L.P. ("LQP"):^{2/}

- (1) A requirement that these applicants construct their respective satellite systems in such a manner as to allow for the possible reduction in the amount of operational spectrum available for their use in the United States; and
- (2) A requirement that these applicants satisfactorily complete the Commission's implementation milestones for this service.

The Oppositions of TRW and LQP reflect a basic misunderstanding of the substance of Motorola's Petition and misinterpret the rules and policies set forth in the Commission's Big LEO Report & Order.^{3/}

With respect to the first request, Motorola merely desires that the Bureau explicitly condition TRW's and LQP's authorizations in a manner which gives the Commission the flexibility to later change its spectrum sharing plan, as contemplated in the Big LEO Report & Order. Indeed, neither licensee disputes that the Commission initially proposed an automatic 3.1 MHz reduction to the CDMA side of the service link spectrum in the event that only one CDMA licensee proceeded with

^{2/} See TRW Inc., DA 95-130 (released January 31, 1995), erratum, DA 95-371 (released February 28, 1995); Loral/Qualcomm Partnership, L.P., DA 95-128 (released January 31, 1995), erratum, DA 95-373 (released February 28, 1995).

^{3/} In the Matter of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, 9 FCC Rcd. 5936 (1994) ("Big LEO Report & Order").

the construction and implementation of its system,^{4/} that the Commission ultimately chose "to defer any decision with respect to the 3.1 MHz between 1618.25 and 1621.35 MHz,"^{5/} but that the Commission did not rule out the possibility of reassigning this 3.1 MHz of spectrum in the future in light of "the circumstances that have developed at that time."^{6/} Nor do these licensees contest Motorola's assertion that such a condition would not place any undue burden on them since their system designs contemplate the channelization of service link spectrum, and since the loss of any uplink channels would not adversely affect their overall system capacity because they no longer would have to share their spectrum on a co-frequency basis with up to three other system operators.

Contrary to LQP's and TRW's assertions, Motorola's request is not in the nature of a petition to reconsider the Commission's Big LEO band sharing plan. Motorola accepts the Commission's decision to "defer" a decision on the 3.1 MHz of L-band spectrum, subject to later review based upon the circumstances at that time. The Commission did not rule out the possibility of revisiting its band sharing plan; rather, it put all of the parties on notice that it would consider amending its spectrum plan if the circumstances so warranted. Both TRW and LQP must plan on such an eventuality now, and not be heard later

^{4/} See Notice of Proposed Rulemaking, 9 FCC Rcd. 1094, 1112 ¶¶ 33-34 (1994).

^{5/} See Big LEO Report & Order, at ¶ 55.

^{6/} Id.

to argue that their system designs are unable to accommodate a change in the Commission's band sharing plan.^{7/} Indeed, TRW "recognizes that its license may be modified by the Commission if the Commission ultimately decides that a single CDMA provider does not need this spectrum."^{8/} An express condition would eliminate any remaining arguments that the CDMA licensees might make regarding the effect that any loss of uplink channels would have on their respective business plans.^{9/}

With respect to Motorola's second request, it appears that the parties agree on the need for implementation milestones as part of each licensee's final authorization. TRW "recognizes that it must meet the milestone requirements established by the Commission," and apparently would not object to the inclusion of those requirements in its final authorization so long as all of the other Big LEO licensees are treated the same.^{10/} Similarly,

^{7/} LQP also challenges the accuracy of certain statements which appeared in a recent addition of IRIDIUM Today (Vol. 1, #2 1995). Motorola stands by these statements and believes that they accurately reflect the fact that the Commission has left open the possibility that an additional 3.1 MHz of L-band spectrum may be made available for its use should only one CDMA system become operational.

^{8/} Consolidated Opposition of TRW, at 12-13.

^{9/} It could be argued that the requested condition is already subsumed within an existing condition in each of the Bureau's authorizations, namely that "the temporary assignment of any orbital planes, or of any particular frequencies, to [Loral/Qualcomm Partnership, L.P./TRW Inc.] is subject to change by summary order of the Commission on 30 days' notice and does not confer any permanent right to use the orbit and spectrum." LQP Authorization Order, at ¶ 32 (emphasis added); TRW Authorization Order, at ¶ 30 (emphasis added). If the Bureau were to confirm this interpretation, then there might not be any need for a separate condition in these authorizations.

^{10/} Consolidated Opposition of TRW, at 13.

LQP appears to recognize that the Big LEO Report & Order contemplated that milestone timetables would become a condition of each licensee's authorization.^{11/} LQP further states that "it has no objection to including them in the unconditional authorization" as long as they are included for all licensees.^{12/}

Motorola's requested condition contemplates the inclusion of implementation milestones tied to the "unconditional grant" of each licensee's authorization, and it does not object to the inclusion of a similar condition in its authorization. Accordingly, the Bureau should add this condition to each licensee's authorization in accordance with the rules and policies established in the Big LEO Report & Order.

Respectfully submitted,

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^{11/} Consolidated Opposition of LQP, at 6-7.

^{12/} Id. at 7 n.2.

CERTIFICATE OF SERVICE

I, Marc A. Paul, hereby certify that the foregoing **Motorola's Consolidated Reply To Oppositions** was served, via first class mail (except where indicated), postage prepaid, this 22nd day of March, 1995, on the following:

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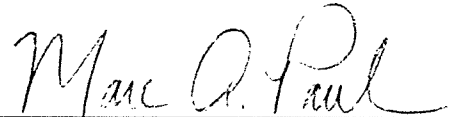
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