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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE 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. )	
_____ )	

MAR 6 1995

CONSOLIDATED PETITION FOR CLARIFICATION AND/OR RECONSIDERATION

Motorola Satellite Communications, Inc. ("Motorola") hereby petitions the Bureau for clarification and/or reconsideration of certain aspects of the Orders and Authorizations issued to TRW Inc. ("TRW") and Loral/Qualcomm Partnership, L.P. ("LQP") in the above-captioned proceedings.<sup>1/</sup>

<sup>1/</sup> 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). Motorola believes that the recently released errata to TRW's and LQP's Authorization Orders adequately address another issue of concern to it regarding the Commission's interim band sharing plan. As the Commission is aware, Motorola has petitioned for reconsideration of the decision to impose such a plan on all MSS licensees irrespective of the need to protect GLONASS operations in the United States. In the Matter of the Commission's Rules to  
(continued...)

These orders grant authority to TRW and LQP to construct, launch and operate mobile satellite systems in a portion of the 1610-1626.5 MHz and 2483.5-2500 MHz bands on a private carriage basis.<sup>2/</sup>

Motorola raises only two relatively minor, although important, issues for the Bureau to reconsider and/or clarify with respect to the TRW and LQP authorization orders. First, as the Bureau is aware, in the rulemaking proceeding on licensing and service rules for the 1.6 and 2.4 GHz MSS bands, 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 the construction and

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<sup>1/</sup> (...continued)

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"). See Petition for Clarification and Partial Reconsideration of Motorola Satellite Communications, Inc. (Nov. 21, 1994). LQP also has requested reconsideration of this aspect of the Big LEO Report & Order. See Petition for Clarification and Partial Reconsideration of LQP (Nov. 21, 1994). As revised, Motorola understands that all three of the Big LEO Authorization Orders now remain subject to an interim band sharing plan "and revisions, if any, adopted in response to pending petitions to reconsider that plan." See e.g., TRW Erratum, at ¶ 24. Thus, if the Commission were to decide to eliminate this plan on reconsideration of the Big LEO Report & Order, none of these authorizations would remain subject to any interim band plan. If Motorola's interpretation of these orders, as revised, is incorrect, then it hereby requests further clarification and/or reconsideration.

<sup>2/</sup> Motorola has been granted similar authority to construct, launch and operate a mobile satellite system comprised of 66 space stations and 12 in-orbit spares in a portion of the 1610-1626.5 MHz band on a bidirectional basis. See Motorola Satellite Communications, Inc., DA 95-131 (released January 31, 1995), erratum, DA 95-372 (released February 28, 1995).

implementation of its system.<sup>3/</sup> The Commission ultimately chose "to defer any decision with respect to the 3.1 MHz between 1618.25 and 1621.35 MHz" based upon a belief that the various portions of the 1.6 GHz MSS band may not prove to be equivalent due to interservice sharing requirements and potential foreign system coordination concerns.<sup>4/</sup> The Commission, however, 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."<sup>5/</sup> In order to guarantee that any future modifications to its band sharing plan can be made in an efficient and effective manner, the authorizations of each of the CDMA licensees must be expressly conditioned upon the potential loss of the use of 3.1 MHz of spectrum between 1618.25 and 1621.35 MHz.<sup>6/</sup>

Second, each of these authorizations must also be conditioned upon the milestone dates specified in the Big LEO Report & Order for initiating construction, completing construction and initiating operation of the respective satellite

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<sup>3/</sup> See Notice of Proposed Rulemaking, 9 FCC Rcd. 1094, 1112 ¶¶ 33-34 (1994).

<sup>4/</sup> See Big LEO Report & Order, at ¶ 55.

<sup>5/</sup> Id.

<sup>6/</sup> This condition should not place any undue burden on either TRW or LQP since the system designs of both licensees contemplate the channelization of their service link spectrum into 2.5 MHz and 1.25 MHz CDMA channels, respectively. A loss of 3.1 MHz of uplink spectrum would result in the loss of 3 channels for LQP and 1 channel for TRW; however, each of these systems would obtain a resulting benefit in overall system capacity by not having to share its spectrum on a co-frequency basis with any other system operator.

systems. Indeed, the Commission contemplated that such implementation milestones would become a condition of each authorization.<sup>7/</sup> It appears that the Bureau inadvertently failed to include these milestones in all of the authorizations.

Accordingly, Motorola requests that the Bureau expressly subject the TRW and LQP system authorizations to the following conditions:

IT IS FURTHER ORDERED that this authorization is conditioned upon the requirement that [LQP/TRW] construct its satellite system in such a manner as to allow for any possible reduction in the amount of operational spectrum available for its use in the United States as contemplated by In the Matter of Amendment 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, ¶ 55 (1994);

IT IS FURTHER ORDERED that this authorization is conditioned upon the satisfactory completion of the following implementation milestones:

<u>Milestone</u>	<u>Years from Unconditional Grant of this Authorization</u>
Begin Construction of First Two Satellites	1 Year
Begin Construction of Remaining Satellites	3 Years
Complete Construction of First Two Satellites	4 Years
Entire Authorized System Operational	6 Years

The failure to meet any one of these milestones shall result in this authorization being declared null and void.

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<sup>7/</sup> See Big LEO Report & Order, at ¶ 189.

Respectfully submitted,

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Date: March 2, 1995

SERVICE LIST

I, Philip L. Malet, hereby certify that the foregoing Petition was served by first-class mail, postage prepaid, this 2nd day of March, 1995, on the following persons:

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A handwritten signature in cursive script, appearing to read "Walter", is written over a horizontal line.

\* Delivery by hand.