

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

DUPLICATE
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In re Application of)
)
Motorola Satellite Communications, Inc.)
)
)
for Authority to Construct, Launch, and Operate)
a Low Earth Orbit Satellite System in the)
1616-1626.5 MHz Band)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

File No.s 9-DSS-P-91(87)

CSS-91-010

9-SAT-LA-95

16-SAT-AMEND-95

MAR 6 1995

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 Motorola Satellite Communications, Inc. ("MSCI") 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 MSCI 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,

^{1/} AMSC is concurrently filing Petitions for Clarification of the authorizations that were issued January 31, 1995 to Loral/Qualcomm Partnership, L.P. and TRW, Inc. 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.

deferred its financial showing until January 1996. AMSC also filed a Petition for 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 MSCI's application we insulate MSCI from any mutual exclusivity that may arise among the remaining applicants. In other words, while MSCI'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.

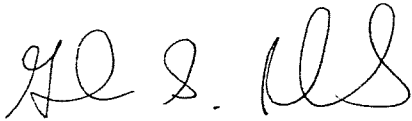
The Commission's language prejudges the outcome of the rulemaking, to the detriment of AMSC. AMSC continues to maintain that the Commission cannot discriminate against those applicants making a later financial showing. If AMSC demonstrates its financial

^{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,

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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:

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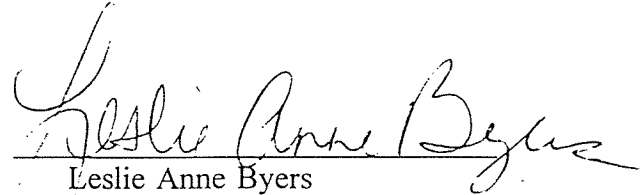
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