

PUBLIC REFERENCE COPY  
BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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In re Application of )  
 )  
SATELLITE CD RADIO, INC. ) File N. 49/50-  
 ) DSS-P/LA-90,  
for a Digital Audio Radio ) 58/59-DSS-AMEND-90  
Service Satellite System )

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NOV 30 1990  
FEDERAL COMMUNICATIONS COMMISSION

To: The Commission

PETITION TO DENY

Aerospace & Flight Test Radio Coordinating Council ("AFTRCC") hereby petitions to deny the above-captioned application of Satellite CD Radio, Inc. ("CDR").

AFTRCC is an organization comprised of major entities engaged in the design, development, and production of aircraft, space vehicles, and their major components. Members of AFTRCC include in particular the major U.S. aerospace manufacturers listed in the attachment hereto. Given its members' role in the development, testing and production of aircraft and space vehicles, AFTRCC serves as the FCC-recognized advisory committee for coordination of the flight test telemetry frequencies shared by non-Government and Government users. AFTRCC works closely with its counterpart coordinators on the Government side in order to ensure prompt, efficient coordination of the referenced frequencies.

Related to its day-to-day coordination activities is AFTRCC's long and active involvement in spectrum management

issues. AFTRCC has been a frequent commentor in FCC rulemakings. Indeed, AFTRCC has initiated private sector efforts which led to the allocation of radio spectrum for flight test telemetry. This includes notably its 1957 initiative which led to the allocation of the 1435-1535 MHz band for telemetry, the band which is the subject of CDR's proposal.<sup>1</sup> More recently, AFTRCC successfully petitioned for regulatory changes which eliminated potential handicaps to the global competitiveness of the nascent United States commercial space launch industry.<sup>2</sup> In short, AFTRCC is uniquely positioned to comment on the implications of the CDR proposal for aircraft and missile testing and has standing to file this Petition.

On August 20, 1990 AFTRCC filed an Opposition to CDR's companion Petition for Rulemaking (RM-7400). The points made there are equally applicable to CDR's Title III application. Accordingly AFTRCC hereby incorporates by reference its August 20

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1/ Part 2 - Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, F.R. Doc. 58-7571, Sept. 17, 1958 at 7177.

2/ Amendment of the Frequency Allocation and Aviation Services Rules (Parts 2 and 87) to Provide Frequencies for Use by Commercial Space Launch Vehicles, 5 FCC Rcd 493 (1990).

filing. For the reasons stated therein CDR's application should be denied.

Respectfully submitted,

AEROSPACE & FLIGHT TEST  
RADIO COORDINATING COUNCIL

By: *William K Keane*  
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November 30, 1990

Its Counsel

AEROSPACE & FLIGHT TEST RADIO COORDINATING COUNCIL

Members of AFTRCC include, among others, the following:

Beech Aircraft Corporation

Bell Helicopter

The Boeing Company

E-Systems, Incorporated

Electrocom, Inc./General Dynamics

Garrett Aerospace Corporation

ITT Gilfillan

Lockheed Corporation

LTV Aerospace & Defense Corp.

Martin Marietta Corporation

McDonnell Douglas Corporation

Northrop Radio Services, Incorporated

Rockwell International Corporation

**CERTIFICATE OF SERVICE**

I, Jean B. Pratt, do hereby certify that true and correct copies of the attached "Petition to Deny" were served by First Class United States Mail, postage prepaid, this 30th day of November 1990, on the following:

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B. Jean Pratt