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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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

In the Matter of )  
)  
**Final Analysis Communication** )  
**Services, Inc.** )  
)  
For Authority to Construct, Launch and )  
Operate a Non-Voice, Non-Geostationary )  
Mobile Satellite System )

File No. 25-SAT-P/LA-95

79-SAT-AMEND-96

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Satellite Policy Branch  
International Bureau

**COMMENTS OF  
LEO ONE USA CORPORATION**

Leo One USA Corporation ("Leo One USA"), by its attorneys, hereby submits these comments on the February 23, 1996 amendment of Final Analysis Communication Services, Inc. ("FACS") to its pending application to construct, launch and operate a non-voice, non-geostationary mobile satellite service ("NVNG MSS") system. This filing is submitted in response to the Commission's recent public notice<sup>1/</sup> soliciting comments on FACS's amendment. In its amendment, FACS has sought Commission authorization to change the frequency plan for FACS's proposed NVNG MSS system. In particular, FACS requests authority to use frequencies allocated to the NVNG MSS at the 1995 World Radiocommunications Conference ("WRC-95") in the 455-456 MHz and 459-460 MHz bands for the subscriber-to-satellite and gateway-to-satellite uplinks. FACS proposes to add these additional frequency bands to its system design. In order to accommodate

<sup>1/</sup> Public Notice, Report No. S.B.-40 (Mar. 20, 1996).

these additional frequencies, FACS also proposes numerous other technical changes to its proposed system.

Leo One USA is a pending applicant to construct, launch and operate an NVNG MSS system. Leo One USA does not object to the FACS amendment, but urges the Commission to insure that all applicants found to be qualified are treated on an equitable basis. If the Commission accepts the FACS amendment, Leo One USA believes that the Commission should provide all pending second round applicants deemed to be legally and financially qualified under the Commission's rules the opportunity to amend their applications to use the bands allocated for the NVNG MSS at WRC-95.

I. **All qualified second round applicants should be provided the opportunity to use the frequencies allocated for the NVNG MSS at WRC-95**

As the Commission and all the applicants are aware, there is very little spectrum currently available for the NVNG MSS. Nevertheless, the first round applicants<sup>2/</sup> and the Commission all have previously stated that additional entrants can be accommodated in the existing NVNG MSS bands.<sup>3/</sup> Based on these representations, Leo One USA, CTA Commercial Systems, Inc. ("CTA"), FACS, E-SAT, Inc. ("E-SAT"), and GE Americom all filed applications to construct, launch and operate new NVNG MSS systems. Due to the shortage of available spectrum for second round systems, all the applicants are attempting to put themselves in the best possible position to obtain

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<sup>2/</sup> There were three first round applicants for NVNG MSS licenses: Orbital Communications Corporation, Starsys Global Positioning, Inc. and Volunteers in Technical Assistance.

<sup>3/</sup> See Report of the Below 1 GHz Leo Negotiated Rulemaking Committee and the Report and Order in CC Docket No. 92-76, 8 FCC Rcd 8450 (1993).

an NVNG MSS license. CTA and E-SAT filed amendments to use frequencies allocated at WRC-95<sup>4/</sup> and FACS is attempting to do the same with its February 23, 1996 amendment. As stated above, Leo One USA does not object to the FACS amendment, but urges the Commission to insure that all applicants found to be qualified are treated on an equitable basis.<sup>5/</sup>

At WRC-95, the International Telecommunications Union ("ITU") allocated to the NVNG MSS the 399.9-400.05 MHz, 455-456 MHz and 459-460 MHz bands in the Earth-to-space direction. The FCC has yet to incorporate these new frequency bands into the domestic allocation table. Nevertheless, FACS seeks to amend its application to use the 455-456 MHz and 459-460 MHz bands. Leo One USA may in the future also amend its application to include these frequencies. In order to insure that all pending qualified applicants are treated in an equitable manner, Leo One USA urges the Commission not to accept the FACS amendment to use the 455-456 MHz and 459-460 MHz bands unless it is prepared to provide the same opportunity to all other qualified applicants. Acceptance of such applications may be more appropriate subsequent to the Commission's determination and action to incorporate these new frequency bands in the domestic allocation table.

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<sup>4/</sup> CTA filed an amendment to replace frequencies it specified in its original application with frequencies allocated at WRC-95. See CTA Amendment, File No. 23-SAT-P/LA-95 (filed Jan. 5, 1996). E-SAT filed an amendment to, among other things, add frequencies allocated at WRC-95. See E-SAT Amendment, File No. 26-SAT-P/LA-95 (filed Feb. 23, 1996).

<sup>5/</sup> Leo One USA's comments on FACS' amendment to add frequencies allocated at WRC-95 are consistent with its comments on CTA's and E-SAT's amendments to do the same. See Comments of Leo One USA Corporation, File No. 23-SAT-P/LA-95 (Feb. 23, 1996); Petition to Deny of Leo One USA Corporation, File No. 26-SAT-P/LA-95 (April 19, 1996).

**II. Conclusion**

For the foregoing reason, Leo One USA requests that the Commission accept the above comments on FACS's request to modify its pending satellite system application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Mazer", with a long horizontal flourish extending to the right.

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Dated: April 19, 1996

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Comments of Leo One USA Corporation was sent by first-class mail, postage prepaid, this 19th day of April, 1996, to each of the following:

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