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FEDERAL COMMUNICATIONS COMMISSION
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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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Satellite Policy Division
International Bureau

In the Matter of)
)
Motorola Satellite Systems, Inc.)
)
For Authority to Construct, Launch)
and Operate a Non-Geostationary Orbit)
Satellite System in the Fixed Satellite)
Service)

File Nos.
157-SAT-P/LA-96(72)
29-SAT-AMEND-97

REPLY TO OPPOSITION

WINSTAR COMMUNICATIONS, INC.

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REPLY TO OPPOSITION

WinStar Communications, Inc. ("WinStar"), by its attorneys, hereby files this reply to the opposition filed by Motorola Satellite Communications, Inc. ("Motorola") opposing WinStar's Petition to Deny the above-captioned application for Motorola's M-Star satellite system ("M-Star").

WinStar is pleased that Motorola will amend its satellite application to conform with the Commission's final plan for the Millimeter Wave band.¹ Although the Commission has not released the final band plan, WinStar supports the Commission's tentative conclusion to reserve the 38.6-40.0 ("38") GHz band for terrestrial services by deleting satellite allocations in that band.² Any grant of Motorola's application should, of course,

¹ In its Opposition, Motorola stated repeatedly that it would "conform its M-Star application to the final allocations made in this [Millimeter Wave] proceeding". Motorola's Consolidated Opposition and Reply at 3. See, also, *id.* at 6, 9, 10, 18, 20.

² See Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz, and 48.2-50.2 GHz Frequency Bands, Notice of Proposed

expressly require that Motorola amend its application to conform to the final band plan.

More importantly, WinStar and other fixed service ("FS") proponents have submitted exhaustive engineering documentation proving that sharing with M-Star is infeasible. Contrary to Motorola's claim,³ M-Star's sharing criteria would "freeze out" FS systems from large areas around satellite earth stations. Moreover, the power control levels in Motorola's sharing plan are not technically available, and are of no real value due to frequent non-correlated rain events. Thus, as demonstrated in numerous filings before the Commission and the Ad Hoc Millimeter Wave ("AHMW") group⁴, the 38 GHz band cannot feasibly be shared by M-Star and FS licensees.

Motorola's claims to the contrary rely on FS licensees accepting severe operating constraints and large holes in their coverage areas. Such limitations essentially would eviscerate the FS licensees' ability to provide ubiquitous

Rulemaking, IB Docket No. 97-95, RM-8811 at ¶ 12 (rel. March 24, 1997) ("Bandplan Notice").

³ WinStar will not respond to Motorola's *ad hominem* assertions save to say they are meritless. WinStar stands on its engineering studies that sharing is infeasible. Motorola has presented nothing to the contrary.

⁴ WinStar and other FS licensees presented numerous technical documents on the infeasibility of sharing with the M-Star system in the AHMW group and its smaller working groups. The AHMW group is part of the Commission's 1997 World Radio Conference ("WRC-97") Industry Advisory Committee.

telecommunications services.⁵ As the Commission itself noted, "[g]iven the ubiquitous nature of some of the services proposed, it is not likely that satellite and terrestrial systems will be able to share the same spectrum without significant technical constraints" on one or both services.⁶ In short, M-Star's viability in the 38 GHz band necessarily makes existing FS services inviable.

⁵ See generally Petition to Deny, File Nos. 157-SAT-P/LA-96(72), 29-SAT-AMEND-97, WinStar Communications, Inc. (filed Aug. 21, 1997) and Appendix A, W.L. Pritchard & Company, Inc., Interference Issues Between Fixed Service (FS) Systems and the M-Star NGSO System in the 38.6 GHz Band.

⁶ Bandplan Notice at ¶ 12.

CONCLUSION

For the foregoing reasons, WinStar requests that the Commission grant its Petition to Deny Motorola's M-Star satellite application.

Respectfully submitted,
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September 30, 1997

CERTIFICATE OF SERVICE

I, C. Grace Campbell, hereby certify that I have caused the foregoing "Reply to Opposition" by WinStar Communications, Inc. to be served this 30th day of September, 1997, via hand delivery or by First Class mail* to each of the following individuals:

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