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THE LAW OFFICES OF
MICHAEL R. GARDNER, P.C.

ATTORNEYS AT LAW
1150 CONNECTICUT AVENUE, N.W.
SUITE 710
WASHINGTON, D.C. 20036
(202) 785-2828
FAX (202) 785-1504

Federal Communications Commission
Office of Secretary

Received

JAN - 6 1998

Satellite Policy Branch
International Bureau

December 22, 1997

By Hand

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Iridium LLC Application
File No. 187-SAT-P/LA-97

Dear Ms. Salas:

On behalf of CellularVision USA, Inc. ("CVUS"), enclosed please find an original and four (4) copies of its Comments with regard to the above-referenced application.

Please direct any questions regarding this matter to the undersigned.

Sincerely,



Michael R. Gardner
William J. Gildea III
Counsel for CellularVision USA, Inc.

Enclosures

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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of)
)
Iridum LLC)
)
For Authority to Launch and Operate)
the MACROCELL Mobile Satellite System)
in the 2 GHz Band)

File No. 187-SAT-P/LA-97

COMMENTS OF CELLULARVISION USA, INC.

CellularVision USA, Inc.¹ ("CVUS"), by its attorneys, hereby files its Comments with regard to the above-referenced application of Iridum LLC dated September 26, 1997 and placed on public notice by the Commission on October 15, 1997 (Report No. SPB-106, DA 97-2202). Specifically, as detailed herein, CVUS seeks Commission confirmation that Iridium's proposed MACROCELL system will comply with the Commission's special requirements for feeder link operations in the 29.1-29.25 GHz band.

CVUS is the parent of the only commercial Local Multipoint Distribution Service ("LMDS") licensee in the United States, CellularVision of New York, L.P., which is licensed to use the 27.5-28.5 GHz, 29.1-29.25 GHz, and 31.075-31.225 GHz bands throughout the New York Primary Metropolitan Statistical Area. In addition, CVUS anticipates bidding for additional LMDS licenses at the Commission's February 18,

¹ CellularVision USA, Inc. is publicly traded on the NASDAQ National Market under the symbol "CVUS."

1998 nationwide LMDS auction. Accordingly, CVUS's ultimate ability to operate in the 29.1-29.25 GHz band throughout its current licensed area, and any subsequently acquired licensed areas, is dependent upon MACROCELL's adherence to the Commission's rules regarding the permissible location(s) of feeder link earth stations.²

The MACROCELL application does not identify the number or location of its proposed system control or gateway segments, other than to note that the MACROCELL system constellation "will be supported by a number of terrestrial facilities around the world."³ While Iridium generally acknowledges that "the MACROCELL system will comply with FCC rules regarding sharing and coordination in these frequency bands . . . includ[ing] following established coordination procedures for antenna site location . . ."⁴, the application's lack of specificity on this important point compels CVUS to seek Commission clarification that the proposed earth station location(s) can only claim protection from potential LMDS interference if they are properly located within the "feeder link earth station complex protection zone."⁵

² See *In the Matter of Rulemaking to Amend Parts 1, 2, 21 and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, First Report and Order and Fourth Notice of Proposed Rulemaking ("First Report & Order")*, CC Docket No. 92-297, FCC 96-311, released July 22, 1996, paras. 63-71.

³ See MACROCELL application, p. A-33.

⁴ See *id.*, p. A-36.

⁵ See 47 C.F.R. §§ 25.257, 101.103(h).

On October 6, 1997, pursuant to Section 101.103(h)(2) of the Commission's rules, Motorola, Inc. filed with the Commission its election of the eight feeder link earth station locations for use with the IRIDIUM system.⁶ As a result, any proposed feeder link earth stations employed by the MACROCELL system must be co-located with these elected facilities, and *collectively* must be structured in accordance with the Commission's definition of a single "feeder link earth station complex" — no more than three earth station groups, with each earth station group having up to four antennas, located within a radius of 75 km of the elected locations.⁷ Alternatively, the only other option for MACROCELL to receive interference protection from LMDS licensees would be to locate its feeder link earth station complex(s) at least 75 nautical miles from the border of the 100 largest MSAs *and* follow the procedural preapplication or certification process as delineated in Section 101.103(h)(3)(ii).⁸

Accordingly, the Commission should specifically condition the grant of the subject application upon strict compliance with the requirements for NGSO/MSS feeder link operations, including earth station facility location, in the 29.1-29.25 GHz band.⁹ Granting such conditional approval is consistent with the Commission's rules

⁶ See Joint Notification Letter of October 6, 1997 to Robert James, FCC WTB, from Motorola, Inc. and TRW Inc. detailing the coordinates of the 10 permitted earth station locations pursuant to Section 101.103(h) of the Commission's rules.

⁷ See 47 C.F.R. § 25.257(a).

⁸ See 47 C.F.R. § 101.103(h)(3).

⁹ The Commission's public notice referencing the MACROCELL application recognizes that any feeder link operations proposed in the 29.1-29.25 GHz band will need to comply with the special requirement of Section 25.257. However, Section

and will protect the interests of CVUS and all prospective LMDS licensees participating in the Commission's February 18, 1998 LMDS auction.

Respectfully submitted,

CELLULARVISION USA, INC.

By: Michael R. Gardner
Michael R. Gardner
William J. Gildea III

THE LAW OFFICES OF MICHAEL R.
GARDNER, P.C.
1150 Connecticut Avenue, NW,
Suite 710
Washington, D.C. 20036
(202) 785-2828 (Tel.)
(202) 785-1504 (Fax)

December 22, 1997

Its Attorneys

25.257 should be properly amended to reflect new Section 101.103(h) instead of Section 101.147. See *Second Report and Order, Order on Reconsideration, and Fifth Notice of Proposed Rulemaking*, CC Docket No. 92-297, FCC 97-82, released March 13, 1997, para. 281.

Certificate of Service

I, Michael R. Gerdes, hereby certify that copies of the foregoing "Comments of CellularVision USA, Inc." were delivered by hand, on December 22, 1997, to the following:

Thomas Tycz
Chief
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, NW, Room 800
Washington, DC 20554

Karl Kensinger
Attorney/Advisor
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, NW, Room 521
Washington, DC 20554

Cecily Holiday
Deputy Chief
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, NW, Room 590
Washington, DC 20554

*F. Thomas Tuttle
Patricia A. Mahoney
Iridium LLC
1575 Eye Street, NW. 8th Floor
Washington, DC 20005

Harold Ng
Chief, Satellite Engineering Branch
International Bureau
Federal Communications Commission
2000 M Street, NW, Room 512
Washington, DC 20554

*Thomas J. Keller
Julian L. Shepard
Verner, Liipfert, Bernhard,
McPherson and Hand, Chartered
901 15th Street, N.W., Suite 700
Washington, DC 20005

Fern Jarmulnek
Chief, Satellite Policy Branch
International Bureau
Federal Communications Commission
2000 M Street, NW, 518
Washington, DC 20554

*James P. Riley
Frank R. Jazzo
Eric Fishman
Fletcher, Heald & Hildreth, PLC
1300 N. 17th Street, 11th Floor
Rosslyn, Virginia 22209

*By first class mail, postage prepaid.



Michael R. Gerdes