

RECEIVED

APR 19 1996

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
L/Q LICENSEE, INC.)
)
Applications for Waiver and)
Modification of License to Construct,)
Launch and Operate a Low Earth)
Orbiting Satellite System to Provide)
Mobile-Satellite Service in the)
1.6/2.4 GHz Bands)

File Nos. 88-SAT-WAIV-96
90-SAT-ML-96

Received

APR 23 1996

Satellite Policy Branch
International Bureau

COMMENTS OF CONSTELLATION COMMUNICATIONS, INC.

Constellation Communications, Inc. ("Constellation"), by its attorneys, hereby submits these comments on the two referenced filings of L/Q Licensee, Inc. ("LQL"). LQL seeks a waiver of the Commission's rules to use for feeder links the 5091-5250 MHz and 6875-7055 MHz frequency bands consistent with the International Table of Frequency Allocations, as modified at WRC-95. LQL also requests that the Commission modify LQL's authorization to construct, launch and operate a low-Earth orbit satellite system in the Mobile Satellite Service ("MSS") Above 1 GHz to use these frequencies for feeder links.

Constellation is an applicant for a low-Earth orbit ("LEO") satellite system in the 1610-1626.5 MHz and 2483.5-2500 MHz bands.^{1/} Constellation also proposes to use for its feeder links the same 5 and 6/7 GHz frequency bands allocated by the 1995 World Radiocommunications

^{1/} See application File Nos. 17-DSS-P-91(48) and CSS-91-013, as amended on November 16, 1994.

Conference ("WRC") which LQL addresses in these filings. The modifications proposed by LQL may adversely affect Constellation's proposed system unless appropriate coordination is undertaken between Constellation and LQL.

LQL's feeder link operations are capable of causing harmful interference to Constellation's satellites when the LQL satellites are in-line with Constellation's satellites. However, LQL provides an assurance that "[i]f other U.S. or foreign systems are authorized to use these bands, LQL will comply with the Commission's and ITU's coordination procedures."^{2/}

With respect to LQL's request for recognition of the power flux density ("p.f.d.") limits adopted by the WRC-95, LQL does not explicitly state the precise p.f.d. levels it proposes to operate at in the 2483.5-2500 MHz band. However, it does state that "[p]ower into the individual S-band beams of the Globalstar system is controlled to be consistent with the S-band p.f.d. requirements at the Earth's surface" and that "Globalstar plans to operate at all times at or below the p.f.d. levels approved for the international allocations."^{3/} Such operations require inter-system coordination agreements in order to insure that systems do not cause unacceptable interference by operating at too high a p.f.d. level or require unacceptable limitations on other systems by operating at too low a p.f.d. level.^{4/}

^{2/} LQL "Request for Waiver", File No. 88-SAT-WAIV-96, at 11.

^{3/} See LQL modification application, File No. 90-SAT-ML-96, at 5.

^{4/} See Comments of Constellation Communications, Inc. filed on February 23, 1996 concerning the application of TRW, Inc., File No. 155-SAT-ML-95, at 2-3. LQL also appears to agree with the need for an agreed upon p.f.d. level for inter-system coordination. See LQL Comments filed on February 23, 1996 on the same TRW application, at 6-7.

Constellation has no objections to these requests as long as any grant to LQL does not prejudice Commission action with respect to Constellation's pending application, and LQL's use of these frequencies is subject to coordination with all affected systems, including Constellation, as described above.

Respectfully submitted,



Robert A. Mazer
Albert Shuldiner
Mary Pape
Vinson & Elkins
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) y639-6500

Counsel for Constellation
Communications, Inc.

Dated: April 19, 1996

CERTIFICATE OF SERVICE

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

* Mr. Scott Blake Harris
Chief, International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 800
Washington, D.C. 20554

* Mr. Thomas S. Tycz
Division Chief, Satellite &
Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 520
Washington, D.C. 20554

* Ms. Cecily C. Holiday
Deputy Division Chief, Satellite &
Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 520
Washington, D.C. 20554

* Ms. Fern J. Jarmulnek
Chief, Satellite &
Radiocommunication Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 520
Washington, D.C. 20554

* Karl Kensinger, Esq.
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

Bruce D. Jacobs, Esq.
Glenn S. Richards, Esq.
Fisher Wayland Cooper Leader
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006-1851
(Counsel for AMSC)

Lon C. Levin, Vice President
American Mobile Satellite Corp.
10802 Parkridge Boulevard
Reston, VA 22091

Jill Abeshouse Stern, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037-1128
(Counsel for MCHI)

Mr. Gerald Helman
MCHI
1120 19th Street, N.W.
Suite 480
Washington, D.C. 20036

Norman R. Leventhal, Esq.
Raul R. Rodriguez, Esq.
Stephen D. Baruch, Esq.
Leventhal, Senter & Lerman
2000 K Street, N.W., Suite 600
Washington, D.C. 20006-1809
(Counsel for TRW, Inc.)

Philip L. Malet, Esq.
Alfred Mamlet, Esq.
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(Counsel for Motorola)

John T. Scott, III, Esq.
William D. Wallace, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2505
(Counsel for Loral)

Dale Gallimore, Esq.
Counsel
Loral Qualcomm
7375 Executive Place
Suite 101
Seabrook, MD 20706

Aunt Shul

* By Hand