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December 18, 1989

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Domestic Facilities Division
Satellite Radio Branch

10-DSS-MISC-90

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20054

RE: AMSC Provision of Mobile Satellite
Services Via Inmarsat

Dear Ms. Searcy:

Attached is a Request for Waiver of the Table of Allocations to enable American Mobile Satellite Corporation ("AMSC") to use the Inmarsat space segment to provide mobile satellite services until AMSC space segment is available. Due to scheduling difficulties, the signature page filed today is a facsimile of the original. The original signature page will be submitted to the FCC upon receipt.

If you have any questions regarding this matter, please contact the undersigned.

Very truly yours,

Lon C. Levin
Counsel to American Mobile
Satellite Corporation

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

In the Matter of)
Request for Waiver of)
Table of Allocations) File No. _____

REQUEST FOR WAIVER

American Mobile Satellite Corporation ("AMSC"), hereby requests, to the extent necessary, a waiver of the Table of Allocations, Section 2.106 of the Commission's Rules, so that it may provide via Inmarsat all mobile satellite services in the bands 1530-1544 MHz (downlink) and 1626.5-1645.5 MHz (uplink) on a temporary basis. This waiver is necessary for AMSC to begin offering its mobile satellite services as soon as possible.

AMSC is the carrier authorized to provide mobile satellite service in the United States.^{1/} AMSC intends to offer service over the Inmarsat system utilizing space segment capacity leased from Comsat, the U.S. Signatory to Inmarsat.^{2/} AMSC must use the

^{1/}Memorandum Opinion, Order and Authorization ("AMSC Authorization Order"), 4 FCC Rcd. 6041 (1989). AMSC holds the license for both mobile satellite service ("MSS") and aeronautical safety service ("AMSS(R)").

^{2/}AMSC has leased capacity from Comsat on a Marisat satellite to be located at 106.5° W.L. See Agreement Between Communications Satellite Corporation and American Mobile Satellite Corporation for Domestic Mobile Satellite Service, filed August 11, 1989, amendment filed September 26, 1989. AMSC intends to lease additional capacity from Comsat as required. Furthermore, AMSC will apply for authorization to operate mobile terminals using Inmarsat space segment on a temporary basis. Consistent with the U.S. mobile satellite service regulatory structure, AMSC expects that resellers of AMSC capacity will also file blanket licenses to operate mobile

Inmarsat space segment until its own system is fully operational because only Inmarsat has available L-band capacity compatible with the L-band spectrum assigned to AMSC.^{3/} The portion of the L-band in which Inmarsat operates is allocated to the maritime mobile satellite service. Thus, in order to provide mobile satellite services other than maritime, AMSC needs the waiver requested herein.

Grant of the waiver will further the Commission's goals with respect to the expeditious implementation of mobile satellite services.^{4/} Through the use of Inmarsat's facilities, AMSC will be able to provide mobile satellite services to the public substantially before its dedicated system is operational.^{5/} This

file blanket licenses to operate mobile units using Inmarsat capacity on a temporary basis. Accordingly, AMSC's instant waiver request is intended to cover current and future AMSC use of Inmarsat space segment and associated mobile terminal operation.

^{3/}AMSC is authorized to operate on the bands 1545-1559 MHz (downlink) and 1646.5-1660.5 MHz (uplink), which have been allocated domestically to AMSS(R) and MSS. These bands are adjacent to Inmarsat's L-band frequencies.

^{4/}A waiver is appropriate when it forwards the public interest in a new service without undermining the underlying rationale for the rule. See WAIT Radio v. FCC, 418 F. 2d 1153 (D.C. Cir. 1969). In this instance, this waiver will permit expeditious delivery of mobile satellite service to the U.S. public while not affecting the services already provided in the maritime bands. Indeed, Inmarsat and Comsat management of the Inmarsat space segment will assure that authorized services will be unaffected by AMSC's use of the Inmarsat system. Additionally, temporary non-conforming uses of the spectrum are permitted as long as there is no harmful interference caused to existing services assigned to the band. See Section 2.102 of the Commission's Rules.

^{5/}AMSC anticipates that service via Inmarsat could be available as early as mid-1990. The Commission has recognized the usefulness of the Inmarsat system for AMSC's early service. Inmarsat International Aeronautical Service Order, 4 FCC Rcd 6072 (1989) at

will enable AMSC to develop consumer interest, test equipment, assist resellers and users in developing and applying new services, and acquire operational experience that will be important to the efficient management of the U.S. mobile satellite service network. In particular, AMSC will refine its ability to administer the system to ensure that mobile satellite services can be provided while protecting the integrity of aeronautical safety services.

Furthermore, because the systems use adjacent L-band spectrum, the AMSC facilities used to operate with Inmarsat can easily be designed to operate with the AMSC dedicated system. These facilities will include access and control equipment consisting of modem and signal distribution assemblies and a Network Operations Center, which is responsible for the supervision and management of the resources and services available to the users. Thus, the use of these bands for AMSC's services will enable continuity of service during transition from the Inmarsat space segment to the AMSC space segment.

Therefore, AMSC respectfully requests that the Commission grant expeditiously the requested waiver so that AMSC may begin

para. 51 n. 23. Under FCC milestones, AMSC's first satellite is to be launched July 31, 1993.

offering mobile satellite services as early as possible over
Inmarsat facilities.

Respectfully submitted,

AMERICAN MOBILE SATELLITE
CORPORATION

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