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APR - 3 1992

Federal Communications Commission
Office of the Secretary

*NOT ADMITTED IN D.C.

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

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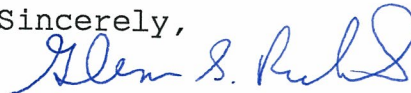
APR 06 1992

Re: File Nos. 420-DSE-P/L-90, et al Domestic Radio Division
Satellite Radio Branch

Dear Ms. Searcy:

Enclosed for filing in the above-referenced proceedings are an original and six copies of the "Consolidated Response of AMSC Subsidiary Corporation." AMSC is separately filing an additional six copies of this pleading in File Nos. I-S-P-90-002 and I-T-C-90-085. If you have any questions regarding this matter, please contact the undersigned.

Sincerely,



Glenn S. Richards
Counsel for AMSC Subsidiary

ORIGINAL

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APR - 3 1992

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

In the Matter of the
Applications of

Federal Communications Commission
Office of the Secretary

AMSC SUBSIDIARY CORPORATION

File No. 420-DSE-P/L-90

For Blanket License for
30,000 Mobile Earth Stations

ROCKWELL INTERNATIONAL CORPORATION

File No. 933-DSE-P/L-90

For Blanket License for
15,000 Mobile Earth Stations

GEOSTAR MESSAGING CORPORATION

File No. 2306-DSE-P/L-89

For Blanket License for
10,000 Mobile Earth Stations

COMMUNICATIONS SATELLITE
CORPORATION - WORLD
SYSTEMS DIVISION

File No. I-T-C-90-038

For authority pursuant to Section
214 of the Communications Act of
1934, to establish and operate
communications channels via the
INMARSAT System using a MARISAT
satellite and an earth station at
Southbury, Connecticut (WB-36) for
interim use by the authorized
domestic mobile satellite service
(MSS) carrier in its provision of
domestic MSS services

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APR 06 1992

Domestic Mobile Satellite Division
Caroline's Radio Branch

AERONAUTICAL RADIO, INC. AND THE
AIR TRANSPORT ASSOCIATION OF AMERICA

File No. I-S-P-90-002

Provision of Aeronautical Service
Via the Inmarsat System

COMMUNICATIONS SATELLITE CORPORATION

File No. I-T-C-90-085

Application for Authority to Provide
Aeronautical Services Within the
U.S. Via the Inmarsat System

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APR - 3 1992

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

Federal Communications Commission
Office of the Secretary

In the Matter of the)
Applications of)
AMSC SUBSIDIARY CORPORATION) File No. 420-DSE-P/L-90
For Blanket License for)
30,000 Mobile Earth Stations)
et al.)

CONSOLIDATED RESPONSE OF AMSC SUBSIDIARY CORPORATION

AMSC Subsidiary Corporation ("AMSC"), by its attorneys, hereby responds to the comments and opposition filed concerning AMSC's petitions for partial reconsideration of two Commission's decisions issued in the above-referenced proceedings. Order and Authorization, FCC 92-26 (February 4, 1992); Memorandum, Opinion and Order, FCC 92-25 (February 6, 1992). Comments were filed by Rockwell International Corporation ("Rockwell") and jointly by Aeronautical Radio, Inc. and the Air Transport Association of America ("Arinc/ATA"). The Communications Satellite Corporation ("Comsat") filed an opposition.

AMSC continues to urge the Commission to partially revise its rules in order to insure a smooth transition of domestic Mobile Satellite Service ("MSS") users to the dedicated U.S. MSS system.

Background

In its petitions, AMSC asked the Commission to establish technical guidelines now that will permit mobile terminals using Inmarsat for domestic MSS to transition easily to the dedicated U.S. MSS system.^{1/} Specifically, the terminals all should be capable of

*operating throughout the bands 1530-1559 MHz and 1626.5-1660.5 MHz;

*operating at an EIRP of at least 10 db less than their nominal EIRP operating on the Inmarsat global beam;

*operating through a spot beam satellite; and

*being preemptible to facilitate real-time priority and preemptive access for aeronautical safety communications ("AMSS(R)").

There already is one manufacturer (Hughes Network Systems) that is making equipment that meets these specifications and is approved for use on the Inmarsat system. AMSC expects that by the end of the year there will be at least six additional manufacturers making equipment that meets these specifications

1/ The Commission has decided that AMSC will be the sole licensee for domestic MSS-AMSS(R). AMSC Authorization Order, 4 FCC Rcd 6041 (1989), at para. 97, a'ffd., Final Decision of Remand, 7 FCC Rcd 266 (1992). See also Inmarsat Aeronautical Services Order, 4 FCC Rcd 6072 (1989), at paras. 51-52 (Inmarsat aeronautical services via U.S. earth stations authorized solely for aircraft in international flight). Comsat itself recognizes the prohibition on its provision of domestic service. See Letter from Comsat to Donna Searcy, FCC Secretary, File No. I-T-C-91-139 (September 5, 1991) (clarifying that Comsat's proposed provision of international land mobile services does not include service to or from North America.)

and can be used for interim domestic MSS. AMSC estimates that requiring the proposed features now will increase by less than five percent the cost of constructing MSS mobile terminals; adding these features later will cost much more and cause substantial customer inconvenience.

In addition, because the dedicated U.S. MSS system will be operational in a little more than two years, AMSC suggested that service providers begin working with AMSC now on the transition, and urged the Commission to require service providers to switch their domestic traffic to AMSC's system no later than 60 days after AMSC certifies to the Commission that AMSC's first satellite has been launched successfully and is operating in compliance with the terms and conditions of AMSC's license. AMSC anticipates that such certification would be provided approximately two months after launch, thus providing about four months after launch for completion of the transition. The Commission's Orders currently require interim service providers to report their transition plans to the Commission and AMSC within 90 days after the launch of AMSC's first satellite and do not provide a firm date for completion of the transition.

Cosat, which is the U.S. signatory to Inmarsat and the sole provider of Inmarsat space segment in the United States, was the only party to oppose AMSC's proposal outright. With the exception of the requirement that the equipment be capable of preemption, Cosat does not argue that the requirements proposed by AMSC are unnecessary to insure a smooth transition to the

dedicated U.S. MSS system. Instead, Comsat argues that there is a substantial inventory of mobile satellite equipment that does not meet the standards proposed by AMSC, that it would be costly to modify that equipment to meet the proposed standards, and that service providers and customers should be free to install these units despite the fact that the equipment may be incompatible with the U.S. system. Comsat objects to the preemptibility requirement on the grounds that mobile equipment designed for land and maritime MSS applications should not have to incorporate accepted international standards to protect AMSS(R). Finally, Comsat objects to AMSC's equipment proposal because it claims that the proposed requirements are likely to change.

Rockwell does not oppose AMSC's proposed mobile terminal requirements but states that the Commission should resolve the issues promptly. Rockwell already has been authorized by the Commission to provide interim domestic service using equipment that meets the standards proposed by AMSC, but is considering plans to build its own mobile terminals. Rockwell also proposes that the transition from Inmarsat to the dedicated U.S. MSS system be permitted to take place over a six-month period, rather than the four months proposed by AMSC.

Arinc and ATA also do not oppose AMSC's mobile terminal requirements. They urge the Commission, however, to add several additional requirements for mobile equipment to those suggested by AMSC. Arinc and ATA also propose a somewhat longer

transition period than the four months proposed by AMSC.^{2/}

Discussion

The fundamental premises of AMSC's Petitions for Partial Reconsideration remain essentially unchallenged: the cost of imposing minimum technical requirements on mobile terminals now will not add materially to the cost of equipment for domestic MSS customers and unless the Commission establishes minimum technical requirements and a specific deadline, customers of interim domestic MSS are likely to have difficulty switching to the dedicated U.S. system when that system becomes operational in the near future. AMSC agrees with Rockwell that it is in all of the parties' interest to resolve this issue expeditiously so as not to affect adversely the provision interim domestic MSS.

Comsat's opposition to AMSC's proposal is troubling in that Comsat ignores the need to prepare domestic MSS customers for the requirement to transition from the Inmarsat space segment (of which Comsat is a part owner) to the dedicated U.S. system. As noted above, Comsat does not deny that equipment will be available for these customers that will meet their needs at no

2/ Arinc and ATA also ask AMSC to clarify whether terminals that comply with AEEC 741 and the Inmarsat System Definition Manual ("SDM") will comply with AMSC's requirement that the terminals operate at an EIRP 10 db less than their nominal EIRP operating on the Inmarsat global beam. The answer is that mobile terminals that comply with AEEC 741 and the Inmarsat SDM will comply with all of AMSC's proposed requirements, including the requirement for EIRP flexibility.

greater price than compatible equipment.

Virtually all interim domestic land mobile customers and many such aeronautical and maritime customers will operate exclusively or primarily in North America. The equipment these customers install must be compatible with the dedicated U.S. system to which they will need to transition.^{3/} These customers also must have sufficient notice of the transition requirement.^{4/}

There also is no justification for Comsat's argument that land mobile and maritime customers of domestic service should not

3/ As noted earlier, AMSC is not concerned about aeronautical earth stations that comply with AEEC 741 and the Inmarsat SDM because these terminals will be compatible with the AMSC system.

4/ Thus, the Commission should require Comsat to include in all interim service contracts and tariffs the following statement:

Comsat's provision of domestic mobile satellite services has been authorized on an interim basis only. The Federal Communications Commission requires all interim service providers of domestic mobile satellite services to transition to the mobile satellite system currently being constructed by the U.S. mobile satellite service licensee sixty days after that system is launched and the licensee certifies to the Commission that the satellite is operating in compliance with its license.

Comsat also should be required to send letters to all of its interim service customers seven days after the U.S. MSS system is launched, reminding those customers of the Commission's transition requirement.

AMSC recognizes that these are new requirements that were not in its original Petitions for Reconsideration. However, Comsat's Opposition heightened AMSC's concern that providers of interim domestic MSS may not understand sufficiently the obligation to transition their customers to the U.S. system.

be required to install equipment that is capable of being preempted for higher priority traffic, such as aviation safety communications. With the transition to the U.S. system, these customers may be required to operate in the bands 1545-1559/1646.5-1660.5 MHz, in which aviation safety communications have priority. Moreover, even if the mobile units continue to operate in the lower frequencies, there still may be a need to be able to preempt their communications for other, higher priority traffic, such as that of the Global Maritime Distress and Safety System ("GMDSS").^{5/}

Comsat also is wrong in its claim that the equipment specifications identified by AMSC are likely to be changed. To the contrary, most of the proposed requirements have been in place for a considerable period and there is no reason to expect them to change. Two of the four requirements (operation in the bands allocated for domestic MSS and the ability to provide priority and preemptive access to aviation safety) were

5/ The 1992 World Administrative Radio Conference adopted a footnote allocating the bands 1530-1544 MHz and 1626.5-1645.5 MHz on a primary basis to MSS in the United States on the condition that maritime distress and safety communications have priority access and immediate availability over all other mobile satellite services in the band and that communications of mobile satellite system stations not participating in the GMDSS shall operate on a secondary basis to distress and safety communications of stations operating in the GMDSS. Addendum and Corrigendum to the Finals Acts of the World Administrative Radio Conference (WARC-92), printed by the International Telecommunication Union, at p.8, n.726C. The FCC has proposed a similar footnote for its proposed domestic allocation of these bands to MSS. Notice of Proposed Rulemaking, Docket No. 90-56, 5 FCC Rcd 1255 (1990).

established in 1986 and have been applied consistently to the U.S. licensee. AMSC Authorization Order, paras. 3, 56. AMSC's proposal to operate a spot beam system has been an important part of its technical proposal since 1988. Only the final requirement concerning the nominal EIRP may be considered new, and Comsat has the least objection to this requirement. In any event, this requirement is not going to change, since it and the other requirements are consistent with the satellite system that AMSC is in the process of building.

With respect to AMSC's proposed transition period, AMSC's key concern is that the Commission should establish a specific deadline for the transition rather than a requirement that service providers merely submit a transition plan. Notably, none of the parties objecting to the transition period have demonstrated that four months in fact will not be ample time to transition to the U.S. system. The fact remains that if the equipment requirements are adopted, interim domestic service customers will have compatible equipment that will permit nearly instantaneous transition to the operating U.S. system. In any event, the Commission can always consider on a case-by-case basis any individual request to extend the transition period.

Finally, there is no reason for the Commission to adopt the extra conditions proposed by Arinc and ATA. All of the proposed conditions were rejected previously by the Commission. Order and Authorization, paras. 16-19. Arinc and ATA have not presented any new evidence to suggest that the Commission erred. Moreover,

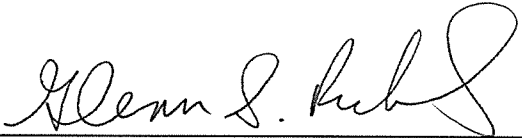
the proper time for proposing these conditions would have been in a Petition for Reconsideration, not in response to AMSC's Petition.

Conclusion

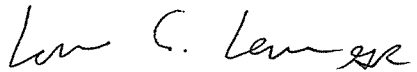
For the above-stated reasons, AMSC respectfully requests that the Commission adopt the proposed technical requirements and establish a deadline for domestic MSS to transition from Inmarsat space segment to that of the U.S. system.

Respectfully submitted,

AMSC SUBSIDIARY CORPORATION



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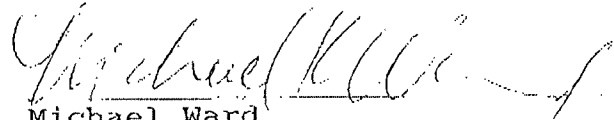
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Its Attorneys

Dated: April 3, 1992

TECHNICAL CERTIFICATE

I hereby certify that I am the technically qualified person responsible for the preparation of the foregoing Consolidated Response of AMSC Subsidiary Corporation; that I am familiar with Part 25 of the Commission Rules and Regulations; and, that the technical information herein is complete and accurate to the best of my knowledge and belief.


Michael Ward
Senior Scientist

Date: April 2, 1992

CERTIFICATE OF SERVICE

I, Julie Berringer, a secretary in the law firm of Fisher, Wayland, Cooper and Leader, do hereby certify that true copies of the foregoing "CONSOLIDATED RESPONSE OF AMSC SUBSIDIARY CORPORATION" were sent this 3rd day of April, 1992, by first class United States Mail, postage prepaid, to the following:

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