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

APR - 3 1992

Federal Communications Commission
Office of the Secretary

In the Matter of the Applications)
of)

AMERICAN MOBILE SATELLITE)
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)

In the 1530-1544 MHz (downlink))
and 1626.5-1645.5 (uplink) Bands)

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, CT (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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Domestic Facilities Division
Satellite Radio Branch

In the Matter of)

Aeronautical Radio, Inc. and the)
Air Transport Association of)
America)

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

Provision of Aeronautical Services)
via the INMARSAT System)

Communications Satellite)
Corporation)

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

Application for Authority to)
Provide Limited Aeronautical)
Services Within the U.S. via the)
INMARSAT System)

**REPLY OF ARINC AND ATA TO COMMENTS FILED ON
PETITIONS FOR PARTIAL RECONSIDERATION**

Aeronautical Radio, Inc. ("ARINC"), and the Air Transport Association of America ("ATA") hereby submit their reply to comments filed on two petitions, submitted by AMSC Subsidiary Corporation ("AMSC"), seeking partial reconsideration of the Commission's Order and Authorization¹ and Memorandum, Opinion and Order² in the above-captioned proceedings.

Upon review of the comments on AMSC's petitions filed by Rockwell³ and Comsat,⁴ it has become clear that AMSC's proposed technical and transition requirements are designed primarily to serve AMSC's private, as opposed to the public, interest. ARINC and ATA agree that, as shown by Comsat, terminals capable of operating only in the maritime and land

¹ American Mobile Satellite Corporation, FCC 92-26 (released Feb. 4, 1992) (Order and Authorization) [hereinafter "AMSC Order"].

² Aeronautical Radio, Inc. and the Air Transport Association of America, FCC 92-25 (released Feb. 6, 1992) [hereinafter "ARINC Order"].

³ Comments of Rockwell International Corporation, filed March 24, 1992.

⁴ Opposition of Communications Satellite Corporation to Petitions for Partial Reconsideration, filed March 24, 1992.

mobile spectrum need not meet those requirements. However, because of the potential for harmful interference to aviation safety services that might result from the continued use of non-type accepted land mobile terminals in aeronautical safety spectrum (1545-1559 MHz and 1646.5-1660.5 MHz), ARINC and ATA urge the Commission to ensure that interim as well as future MSS operations are suitably conditioned to protect aviation services.

The other commenters join ARINC and ATA in questioning the underlying purposes of AMSC's petitions. The Commission has already determined that AMSC is not to be the sole interim MSS provider.⁵ Yet, adoption of AMSC's proposals would effectively establish it as the gatekeeper for both interim and permanent MSS operations. By requiring conformance with its proposed technical standards for mobile terminals even in the absence of a comprehensive engineering specification for the AMSC system, and requesting that the Commission mandate that interim service providers coordinate their operations with AMSC from the start as well as complete the transition to the AMSC system within 60 days of AMSC's self-certification of operation, AMSC would effectively achieve veto power over the parameters of all MSS service. For all of the reasons previously considered by the

⁵ ARINC Order, ¶¶ 22-23.

Commission, such a result would clearly be contrary to the public interest.

Instead, as ARINC and ATA have explained, the Commission's central concern should be to ensure that interim MSS operations do not pose a threat of harmful interference to aviation safety services, particularly if the permanent domestic system employs shared spectrum. To accomplish this, MSS operations in aviation safety spectrum must be subject to the same type acceptance and other requirements as aeronautical mobiles. Such requirements would not pose an unreasonable burden on MSS providers, but would ensure the successful and beneficial coexistence of land mobile and critical aviation safety services.

Thus, authorizations for interim mobile terminals capable of operating in aviation safety spectrum should be conditioned on compliance with reasonable technical standards. The standards and type acceptance criteria previously identified by ARINC and ATA should ensure that aviation safety services will be protected from interference and receive priority and real time preemptive access to all system resources.⁶ A mechanism should also be adopted to remove from operation all non-compliant and non-type accepted land mobile terminals. The FCC properly imposed these

⁶ See ARINC/ATA Comments at 8-10.

requirements on the interim aircraft earth stations; it should impose the same conditions on land mobile earth stations operating in the same spectrum.

In addition, all commenters have demonstrated that AMSC's proposed 60-day transition schedule is completely unrealistic. As ARINC and ATA detailed in their Comments, that time span is too short a period to ensure a smooth and safe transition to the domestic MSS system. Most importantly, because aviation services are subject to FAA certification and approval prior to implementation, AMSC's self-certification is inadequate to authorize air traffic service operations on the domestic system. Additional testing and government review of both AMSC's satellite links and attendant systems (including such items as pilot operations manuals) must be completed before any transition can be accomplished.

Moreover, given the lack of definitive information about the domestic MSS system, its procedures and capabilities for priority and preemptive access, and other variables, there is simply no way to predict how long the FAA approval process could take, or when the transition could be completed consistent with the terms established by the Commission. For example, it required substantial live operational testing and approximately eighteen months time to secure the requisite FAA certification for the offering of air traffic services over a known and proven satellite system -- Inmarsat -- by

experienced providers -- Comsat and ARINC. Clearly, the Commission's current requirement that interim users notify the Commission and AMSC of their transition plans within 90 days of the launch of AMSC's first satellite is more than sufficient to ensure a smooth transition to the permanent system.

Respectfully submitted,

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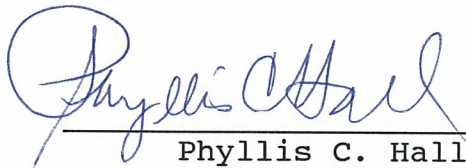
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CERTIFICATE OF SERVICE

I, Phyllis C. Hall, a legal secretary at the law offices of Wiley, Rein & Fielding, hereby certify that I have this 3rd day of April 1992 caused a true and correct copy of the foregoing "Reply of ARINC and ATA to Comments Filed on Petitions for Partial Reconsideration" to be served, by first class mail, postage prepaid, on the parties listed on the attached service list.


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