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

ORIGINAL

In the Matter of	)	
	)	
ARINC INCORPORATED	)	
	)	
Application for Blanket Authority to Operate Up to One Thousand Technically Identical Ku-Band Transmit/Receive Airborne Mobile Stations Aboard Aircraft Operating in the United States and Adjacent Waters	)	File No. SES-LIC-20030910-01261

COMMENTS OF PANAMSAT CORPORATION

PanAmSat Corporation ("PanAmSat"), by its attorneys, hereby comments on the above-captioned application filed by ARINC Incorporated ("ARINC"). Subject to the clarification below concerning ARINC's proposed point of communication, and the qualification below concerning one of ARINC's waiver requests, PanAmSat has no objection to a grant of ARINC's application.

INTRODUCTION

In its application, ARINC requests authority to operate up to 1,000 technically identical .2921 meter transmit/receive mobile earth terminals aboard aircraft operating in aircraft within the United States and adjacent waters. ARINC proposes to use the mobile earth terminals to provide two-way wideband service to aircraft passengers and crew.

The downlink portion of ARINC's service would be provided in the 11.7-12.2 GHz band; the uplink portion of the service would be provided in the 14-14.5 GHz band. In both cases, operations would be provided on a secondary, non-interference basis.[1]

DISCUSSION

Points of Communication

ARINC should be required to clarify its intentions with respect to points of communication. ARINC states in its application that it has leased transponders from SES Americom on AMC-1 at 103° W.L.[2] Although it appears, based on this statement and numerous references to AMC-1 in the application, that AMC-1 at 103° W.L. is ARINC's sole proposed point of communication, other factors suggest to the contrary. In particular:

(1) In response to Item E23 of FCC Form 312, which asks the applicant to identify the "orbit location" of its points of communication, ARINC responded "CONUS," implying that its points of communication could be located anywhere within the orbital arc serving the continental United States;

(2) The point of communication shown in Item D of the draft license that ARINC included with its application is AMSC-1 at 101° W.L.,[3] not AMC-1 at 103 W.L.; and

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[1] Although ARINC had requested a waiver of the U.S. Table of Frequency Allocations in connection with its uplink transmissions, based on the fact that the Commission had not adopted domestically the secondary allocation for aeronautical mobile satellite service in the 14-14.5 GHz band that was adopted internationally at WRC-03, this waiver request appears to have been rendered moot by the Commission's recent Report and Order implementing various WRC actions. *See Amendment of Parts 2, 25, and 87 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Between 28 MHz and 36 GHz and to Otherwise Update the Rules in this Frequency Range; Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum For Government and Non-Government Use in the Radionavigation-Satellite Service*, ET Docket No. 02-305, Report and Order, FCC 03-269 (Nov. 4, 2003).

[2] Application narrative at 3.

[3] PanAmSat operates Galaxy IV-R at 99 W.L., two degrees from AMSC-1 at 101 W.L.

(3) The point of communication shown in the public notice[4] accepting ARINC's application for filing also is AMSC-1 at 101 W.L.

In light of these discrepancies, clarification is needed. In the event that the requested point of communication is not limited to AMC-1 at 103 W.L., moreover, PanAmSat and other interested parties should have an opportunity to supplement their filings based on any additional points of communication.

Request for Waiver

ARINC acknowledges that its mobile earth terminals are non-conforming under the Commission's standards for protecting adjacent satellites from interference at two-degree spacing.[5] ARINC also recognizes that, in these circumstances, Section 25.134(b) of the Commission's rules requires that its operations be coordinated with adjacent satellite operators.[6] ARINC seeks a waiver of this coordination requirement.

It appears, based on the rationale ARINC has proffered in support of its waiver request, that ARINC is seeking a blanket waiver that would enable it to use any space station as a point of communication, at any orbital location, without having to coordinate its service with adjacent satellite operators. For reasons that are discussed below, PanAmSat opposes grant of a blanket waiver.

Based on the particular facts and circumstances associated with ARINC's proposal to use AMC-1 at 103° W.L. as its point of communication, however, it should be possible to grant ARINC's application without ruling on its waiver request. In particular, SES Americom, in addition to being the Ku-band operator at 103 W.L., also is the Ku-band operator at the two orbital locations that are adjacent to 103 W.L. (*i.e.*, 101 W.L. and 105 W.L.). SES Americom's presence at all three orbital locations means, in essence, that ARINC's proposed service has been pre-coordinated with the operators

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[4] Report No. SES-00541 (Oct. 15, 2003).

[5] *See* Exhibit 3 of ARINC's application, Section 5.2.1.1.

[6] *See, e.g., id.* p. 20.

of both satellites that are immediately adjacent to 103° W.L., and therefore are subject to the greatest risk of interference from ARINC.

In addition, PanAmSat, which operates the satellite (Galaxy IV-R) at the next adjacent orbital location to the east (99° W.L.), has no objection to ARINC's proposed operations at 103 W.L., and is prepared to sign a coordination agreement to that effect. The one remaining potentially affected operator within four degrees is Telesat Canada, which operates Anik F1 at 107.3° W.L. Unless Telesat Canada or any operator within six degrees has any objections - and if they do, those objections should be addressed in coordination rather than summarily dismissed by granting a blanket waiver - there should be no impediment to granting ARINC's application on a fully coordinated basis.

Grant of ARINC's application, however, should not serve as a precedent for forgoing coordination in the event that ARINC seeks in the future to communicate with satellites other than AMC-1 at 103° W.L. ARINC seeks to avoid coordination by limiting the aggregate EIRP spectral density for all of its mobile earth terminals to the levels generated by a routinely authorized VSAT station under Section 25.234(a)(1) (*i.e.*, a maximum input power density of -14 dBW/4 kHz into an antenna with the sidelobes specified in Section 25.209(a)(1)). Even VSAT applicants that satisfy this power density limit, however, are ineligible for routine processing if they do not, as ARINC does not, also satisfy the standards specified in Section 25.209 of the rules. If VSAT stations satisfying the power density limit are ineligible for routine processing even though they are operating on a *primary* basis, then ARINC's mobile earth terminals, which will be operating on a *secondary* basis, also should be ineligible for routine processing.

In any event, the Commission need not reach these issues in order to grant ARINC's application. It can simply find, for the reasons discussed above, and subject to Telesat Canada and operators within six degrees not objecting, that the coordination requirement has been satisfied.

Respectfully submitted,

PANAMSAT CORPORATION

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Comments of PanAmSat Corporation was sent by first-class mail, postage prepaid, this 14th day of November, 2003, to the following:

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