



U.S. Department
of Transportation

Federal Aviation
Administration

MAY 17 1995

Mr. William F. Caton
Secretary, Federal Communications Commission
File Number: 681-DSE-MP/L-95
2000 M Street, NW
Washington, DC 20554

Dear Mr. Caton:

AMSC, Incorporated, (AMSC) submitted to the Federal Communications Commission (FCC) a Modification of License, dated February 15, to use 30,000 Mobile Earth Terminals (MET) with its AMSC-1 satellite launched on April 7. The Federal Aviation Administration (FAA) filed comment, dated April 10, objecting to the licensing of these terminals in the 1544-1559 MHz/1646.5-1660.5 MHz (aviation) portion of the Mobile Satellite Service (MSS) band. AMSC filed a "Consolidated Reply and Opposition" on April 25 which claims to address the FAA concerns. Upon review of this latest AMSC filing, we have the following reply.

AMSC claims to meet the US 308 requirement of priority and real-time preemption with an approach which it calls "systematic". AMSC's "systematic real-time preemptive access" to aviation safety communications is actually no more than a priority scheme **without** preemption capability. In that context, it cannot be construed as complying with the U.S. footnote 308, which requires priority access, and, in addition, also requires "real-time preemptive action", which the METs cannot support. These are two distinctly different capabilities. Satisfying the priority requirement alone is not sufficient for the protection of the Aeronautical Mobile Satellite (Route) Service (AMS(R)S). The U.S. has told the world through the International Civil Aviation Organization and the International Telecommunications Union that a generic MSS allocation, which assures priority and immediate preemptive access, is the best way to go. Now, because of economic opportunities, AMSC wants to renege on our commitment.

AMSC argues that when the domestic aviation safety system using satellites is in place, the network will have its own allocation of resources, which will include a reserve pool of resources managed by the Network Operations Center. However,

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priority and real-time preemption is required to ensure that any rapidly increasing requirement for AMS(R)S services can be met. This requirement is not supported by AMSC's 30,000 METs.

In order to help the FCC defer its resolution to this issue, AMSC states that it is willing to accept a secondary status for its system. In effect, consistent with the U.S. allocations and footnote U.S. 308, MSS is secondary to AMS(R)S. As highlighted in the FAA comment of April 10, the U.S. agreed as early as 1988 on system design characteristics to satisfy the AMS(R)S requirements while allowing MSS operations in the same bands. In particular, it was agreed that all user terminals must have the capability to continuously receive control signals, a capability needed to satisfy the requirement for real-time preemption.

The FAA has not found any new information or modification to the AMSC original license application for 30,000 terminals in their April 25 filing, which would warrant a change in our position.

We, therefore, hold to the same position as expressed in our April 10 comment. To reiterate, our position is that the FAA objects to the licensing of these terminals, and recommends instead that the FCC:

1. require METs be modified for full duplex operation, with real-time preemption capability, or
2. grant authority for AMSC to allow continued usage of these terminals in the lower-L band (maritime band) with the AMSC-1 satellite.

for *John E. Fouse*
Gerald J. Markey
Program Director, Office of Spectrum
Policy and Management