

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of	)	File Nos. 26/27/28-DSS-P-94
	)	36-SAT-AMEND-95
Celsat America, Inc.	)	65/66/67-SAT-AMEND-96
	)	192-SAT-AMEND-97
Concerning Use of the 2000-2020/2180-2200 MHz Bands for a Mobile-Satellite System	)	88-SAT-AMEND-98
	)	IBFS Nos. SAT-A/O-19940408-00016/17/18
	)	SAT-AMD-19941125-00089
	)	SAT-AMD-19960124-00007/8/9
	)	SAT-AMD-19970925-00124
	)	SAT-AMD-19980113-00009
	)	SAT-AMD-20001103-00153

ORDER

Adopted: June 24, 2003

Released: June 24, 2003

By the Chief, International Bureau:

1. By this *Order*, we modify the authorization granted to Celsat America, Inc. (Celsat) to use spectrum in the 2 GHz band to provide Mobile-Satellite Service (MSS).¹ Specifically, we modify Celsat's service-link authorization pursuant to an instruction from the Commission in the *AWS Third Report and Order*.²

2. Each 2 GHz MSS licensee, including Celsat, received authority to use a pair of 3.5 megahertz "Selected Assignments" in the 1990-2025 MHz service-uplink band and the 2165-2200 MHz service-downlink band.³ The selection is to be made on a first-come, first-served basis; each licensee is to choose its Selected Assignments from previously-unassigned portions of the service-link bands after having launched the first of its satellites and placed it into its intended orbit.⁴ In the *AWS Third Report and Order*, the Commission reallocated the 1990-2000 MHz, 2020-2025 MHz, and 2165-2180 MHz bands from MSS to terrestrial wireless services, reducing the 2 GHz MSS service-link allocations to the 2000-2020 MHz (uplink) and 2180-2200 MHz (downlink) bands.⁵ The Commission decided that the remaining 2 GHz MSS service-link spectrum, 20 megahertz in each direction, should be divided equally among those authorized systems found in compliance with the first milestone requirement, and delegated authority to the International Bureau to modify those authorizations accordingly.⁶ We have determined

¹ *Celsat America, Inc.*, Order and Authorization, DA 01-1632, 16 FCC Rcd 13712 (Int'l Bur. 2001) (*Celsat License*), *app. for review denied*, FCC 03-12, 18 FCC Rcd 1405 (2003), *appeal pending*, AT&T Wireless Services, Inc. v. FCC, No. 03-1042 (D.C. Cir. filed Feb. 26, 2003); *modified*, Order and Authorization, DA 01-1682, 16 FCC Rcd 14278 (Int'l Bur. 2001).

² *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, ET Docket No. 00-258, Third Report and Order, Third Notice of Proposed Rulemaking and Second Memorandum Opinion and Order, FCC 03-16, 18 FCC Rcd 2223 (2003) (*AWS Third Report and Order*), *recon. pending*.

³ *See, e.g.*, *Celsat License*, 16 FCC Rcd at 13720-21 ¶ 25.

⁴ *See, e.g., id.* at 13715 ¶¶ 8-9.

⁵ *AWS Third Report and Order*, 18 FCC Rcd at 2238 ¶ 28.

⁶ *Id.* at 2240 ¶ 33.

that four authorized 2 GHz MSS systems, including Celsat, have met the first milestone requirement.⁷ We therefore modify Celsat's authorization to indicate that it may choose Selected Assignments of 5 megahertz bandwidth within the 2000-2020 MHz uplink and 2180-2200 MHz downlink bands.⁸

3. Accordingly, IT IS ORDERED that paragraph 25 of *Order and Authorization*, 16 FCC Rcd 13712 (Int'l Bur. 2001) IS MODIFIED to read as follows:

* * * Celsat America, Inc. IS AUTHORIZED to construct, launch and operate one geostationary-satellite orbit satellite at each of the 121° W.L. and 83° W.L. orbit locations for provision of service in the United States in the 2000-2020/2180-2200 MHz frequency bands, in accordance with the technical specifications set forth in its application, as amended, and the terms and conditions set forth in the *Order and Authorization*, 16 FCC Rcd 13712 (Int'l Bur. 2001), *modified*, *Order and Authorization*, 16 FCC Rcd 14278 (Int'l Bur. 2001), and consistent with our rules, unless specifically waived, and subject to the following conditions:

- a. Celsat America, Inc. must choose a Selected Assignment in each of the 2000-2020 MHz and 2180-2200 MHz frequency bands upon launch of one satellite into its authorized satellite orbit location, and commencement of operations by that satellite;
- b. The Selected Assignment shall give Celsat America, Inc. access to 5 megahertz in each direction of transmission on a primary basis;
- c. The Selected Assignment shall be chosen such that the band edge of the assignment is an integer multiple of 5 megahertz from the band edge of the 2 GHz MSS band; and
- d. Operations in frequencies in these bands outside the Selected Assignment shall be on a secondary basis to operations of other 2 GHz MSS systems.

4. This *Order* is issued pursuant to Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, and is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Donald Abelson
Chief, International Bureau

⁷ See Public Notice Report No. SAT-00135, DA 03-386, 18 FCC Rcd 1732 (Sat. Div., Int'l Bur. 2003) (announcing that Celsat, Iridium LLC, and ICO Services Limited met the first milestone requirement); *The Boeing Company*, Order and Authorization, DA 03-2073 (rel. June 24, 2003) (holding that Boeing met the first milestone requirement). See also *Globalstar, L.P.*, Memorandum Opinion and Order, DA 03-328, 18 FCC Rcd 1249 (Int'l Bur. 2003), *request for stay and emergency app. for review pending* (holding that Globalstar's 2 GHz MSS license is null and void for failure to meet the first milestone requirement); *Mobile Communications Holdings, Inc. and ICO Global Communications (Holdings) Limited, et al.*, Memorandum Opinion and Order, DA 03-285, 18 FCC Rcd 1094 (Int'l Bur. 2003), *joint app. for review pending* (holding that the 2 GHz MSS licenses issued to Mobile Communications Holdings, Inc. and Constellation Communications Holdings, Inc. are null and void for failure to meet the first milestone requirement); *TMI Communications and Company, Limited Partnership*, Memorandum Opinion and Order, DA 03-385, 18 FCC Rcd 1725 (Int'l Bur. 2003), *request for stay and app. for review pending* (holding that the *Order* reserving 2 GHz MSS spectrum for TMI is null and void for failure to meet the first milestone requirement).

⁸ This assignment of additional service-link spectrum may be subject to adjustment in the event of Commission or Court action arising from petitions for reconsideration, applications for review, or appeals filed in connection with the cancelled authorizations cited in the preceding footnote, or the *AWS Third Report and Order*.