



Federal Communications Commission  
Washington, DC 20554

International Bureau

DA 04-3651

November 19, 2004

William D. Wallace  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Re Call Sign: E030266, SES-LIC-20031030-01524 Globalstar L. P. ("GLP")  
Call Sign: E030266, SES-AMD-20031223-01873 New Operating  
Globalstar L. P. ("NOGLP")

Dear Mr. Wallace:

On October 30, 2003, Globalstar L.P. ("GLP") filed an application, SES-LIC-20031030-01524, as amended by SES-AMD-20031223-01873, for a Fixed-Satellite Service ("FSS") earth station. The earth station would be used to test GLP's Mobile Satellite Service ("MSS") system for purposes of maintenance and stationkeeping in the 1610-1626.5 MHz band. For the reasons stated below, we dismiss the application as amended.

The 1610-1626.5 MHz band is allocated to MSS and does not contain an allocation for FSS. GLP did not request a waiver of the allocation to allow it to use this band for FSS.<sup>1</sup> Consequently, we find your application is defective under Section 25.112(a)(2) of the Commission's rules, 47 C.F.R. §25.112, and is dismissed without prejudice to refiling.

While we deny the application on the above basis, we take this opportunity to apprise you of other concerns we have should you choose to refile with an accompanying request for a waiver of the Table of Frequency Allocations. In the past, the Commission has permitted FSS earth stations to operate on a non-interference basis where the earth station is identical, from a radio frequency perspective, to a MSS earth station.<sup>2</sup> In this case, however, as explained below, the FSS earth station's proposed parameters exceed those permissible for MSS earth stations in this band.

By way of background, we note that the International Telecommunication Union (ITU) has adopted International Footnotes 5.364, 5.365, 5.366, 5.367, 5.368, and 5.372 to protect Aeronautical Radionavigation, Radiodetermination Satellite Service ("RDSS"), and Radioastronomy Service ("RAS") in the 1610-1626.5 MHz band. In addition, the Commission adopted Section 25.216 of the rules, 47 C.F.R. §25.216, to protect the Global Navigation Satellite System ("GNSS") and Global Positioning System ("GPS") in the 1559-1610 MHz band.

Review of GLP's application reveals that the proposed emission of 24 dBW EIRP for a single carrier with a 50 kHz bandwidth would result in an EIRP density of 13 dBW/4kHz. This is 28 dB in

<sup>1</sup> GLP did request a waiver of other aspects of Section 2.106 regarding EIRP density. We address that below.

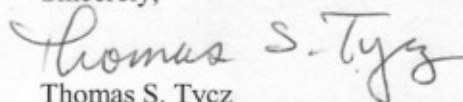
<sup>2</sup> See, e.g., AirTouch Satellite Services US, Inc., DA 99-2010, at para. 22 (released October 4, 1999), and File No. 1367-DSE-P/L-97, Exhibit C (ancillary fixed service authorized for Globalstar terminals).

excess of the -15 dBW/4 kHz limit applied to MSS earth stations by Section 2.106 of the Commission's rules, 47 C.F.R. §2.106, footnote 5.364.<sup>3</sup> GLP acknowledges that its proposed operation may be in conflict with the footnote 5.364,<sup>4</sup> and requests a waiver of that provision. The application, however, does not indicate why GLP is unable to use an earth station that meets the limits in footnote 5.364. Further, the EIRP density is 47 dB in excess of -10 dBW/MHz (-34 dBW/4kHz) which exceeds the limits for MSS earth stations in Section 25.216(f) of the Commission's rules, 47 C.F.R. §25.216, at the 1610 MHz band edge.<sup>5</sup> Most significantly, GLP fails to adequately justify why an unallocated service (FSS) should be subject to less stringent requirements than the allocated service (MSS), nor does it provide adequate evidence to establish that its operations would be consistent with authorization on a non-harmful interference basis.

Finally, we note that GLP submitted test data to demonstrate that its proposed FSS earth station would not interfere with radionavigation services. However, the out-of-band emission was not tested using 24 dBW EIRP per carrier as proposed in the application, but instead used 19 dBW EIRP per carrier, and the test frequencies were not chosen so as to produce possible third-order intermodulation products that would fall in the 1559 – 1605 MHz band. Therefore, GLP did not demonstrate the operation would be consistent with Section 25.216(c) of the Commission's rules, 47 C.F.R. §25.216.<sup>6</sup>

Accordingly, pursuant to Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. §0.261, GLP's application SES-LIC-20031030-01524, as amended by SES-AMD-20031223-01873, IS DISMISSED without prejudice to refileing.

Sincerely,



Thomas S. Tycz  
Chief  
Satellite Division

<sup>3</sup> Footnote 5.364 states that "The use of the band 1610-1626.5 MHz by the mobile-satellite service (earth-to-space) and by the radiodetermination-satellite service (earth-to-space) is subject to coordination under No. 9.11A. A mobile earth station operating in either of the services in this band shall not produce a peak e.i.r.p. density in excess of -15 dBW/4 kHz in the part of the band used by systems operating in accordance with the provisions of No. 5.366 (to which No. 4.10 applies), unless otherwise agreed by the affected administrations. In the part of the band where such systems are not operating, the mean e.i.r.p. density of a mobile earth station shall not exceed -3 dBW/4 kHz. Stations of the mobile-satellite service shall not claim protection from stations in the aeronautical radionavigation service, stations operating in accordance with the provisions of No. 5.366 and stations in the fixed service operating in accordance with the provisions of No. 5.359. Administrations responsible for the coordination of mobile-satellite networks shall make all practicable efforts to ensure protection of stations operating in accordance with the provisions of No. 5.366."

<sup>4</sup> Application Exhibit B "Compliance with Footnote 5.364."

<sup>5</sup> 47 C.F.R. §25.216(f) states that "Mobile earth stations placed in service after July 21, 2002 with assigned uplink frequencies in the 1610-1660.5 MHz band shall suppress the power density of emissions in the 1605-1610 MHz band to an extent determined by linear interpolation from -70 dBW/MHz at 1605 MHz to -10 dBW/MHz at 1610 MHz."

<sup>6</sup> Application Exhibit D "Technical Exhibit for IOT Antenna."