

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

In the Matter of)	
)	
Amendment of Section 2.106 of the)	ET Docket No. 95-18
Commission's Rules to Allocate)	RM-7927
Spectrum at 2 GHz for Use)	
by the Mobile-Satellite Service)	

ORDER GRANTING REQUEST TO DEFER COMMENT DATES

Adopted: March 3, 1995; Released: March 8, 1995

By the Office of Engineering and Technology:

1. On February 22, 1995, the American Mobile Satellite Corporation (AMSC) petitioned the Commission to extend the pleading cycle for comments to the Notice of Proposed Rule Making in the above-captioned proceeding, ET Docket No. 95-18, FCC 95-39, released January 31, 1995. AMSC requests an extension for comments from March 9, 1995 to May 5, 1995; and for reply comments from March 27, 1995 to June 6, 1995.

2. AMSC, one of the original petitioners in this proceeding, observes that preparations for the 1995 Worldwide Radiocommunications Conference (WRC-95) are well under way, and that many of the entities likely to comment in this proceeding are part of the Industry Advisory Committee to the WRC-95 Conference Preparation Meeting (CPM), to be held March 22-April 5, 1995, in Geneva. The CPM will consider, inter alia, technical studies pertaining to sharing of the 2 GHz band between mobile-satellite and terrestrial users.¹ In supporting comments, COMSAT Corporation (COMSAT) states that meetings are currently ongoing between the mobile-satellite community and the broadcasting and microwave communities to evaluate the possibility of satellite-terrestrial sharing in this band and to consider issues relating to the possible relocation of current broadcast and microwave licensees in the band. COMSAT will use data developed in this process to conduct computer simulations of potential mutual interference between Mobile-Satellite Service (MSS) and

¹ See AMSC, Motion for Extension of Time, ET Docket No. 95-18 at 1-2 (February 22, 1995).

terrestrial users.² AMSC and COMSAT also point out that the staffs of many entities likely to comment in this proceeding are intensely preparing for WRC-95 and other international meetings, including drafting reply comments to the Commission's Notice of Inquiry in preparation for WRC-95, IC Docket No. 94-31, FCC 95-36, 60 FR 8994, February 16, 1995.³ AMSC argues that extending the comment and reply comment periods will allow commenters to gather more information and take more time and care in preparing complete and precise comments, which will provide us with more complete information upon which to base our decisions in this proceeding. In addition to COMSAT, TRW Inc. and Motorola Satellite Communications, Inc. filed comments in support of AMSC's petition.⁴ The National Association of Broadcasters has stated that it has no objection to extending the comment periods.⁵

3. Celsat, Inc. (Celsat), another petitioner in this proceeding, opposes AMSC's petition for extension of time. Celsat argues that most of the frequencies at issue in this proceeding were allocated for MSS use at the 1992 World Administrative Radio Conference, and it is therefore unnecessary to wait for WRC-95 or its preparatory meetings to make this allocation. Further, adds Celsat, the WRC-95 CPM will primarily involve technical, regulatory and procedural constraints associated with additional MSS allocations in the 1-3 GHz bands, and this allocation is not an issue at that meeting.⁶ Celsat also contends that the meetings between the MSS community and broadcasting and microwave licensees are preliminary in nature, and provide no basis for delaying this proceeding.⁷ Celsat argues that we have recognized that it is in the public interest to expeditiously implement and license MSS, and we should therefore not delay this proceeding.⁸

² See COMSAT, Comments on Motion for Extension of Time, ET Docket No. 95-18 at 1-2 (February 27, 1995).

³ See AMSC Motion at 2, COMSAT Comments at 2.

⁴ Letter from N. Leventhal, Leventhal, Senter & Lerman to W. Caton, Federal Communications Commission, February 27, 1995; Motorola, Comments in Support of Motion for Extension of Time (February 27, 1995).

⁵ See National Association of Broadcasters et al., No Opposition to Motion for Extension of Time, ET Docket No. 95-18 (February 28, 1995).

⁶ See Celsat, Inc., Opposition to Motion for Extension of Time, ET Docket No. 95-18 at 3-4 (February 27, 1995).

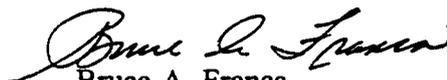
⁷ See Id. at 4.

⁸ See Id. at 4-5.

4. Although the Commission does not routinely grant extensions of time,⁹ we agree with AMSC and supporting commenters that the public interest would be better served if we permit additional time for submitting comments in this proceeding. Not only would an extension provide additional time for gathering and evaluating data on MSS-terrestrial sharing in the proposed allocation, but meetings between the MSS community and the incumbents of the candidate band will be helpful in establishing a sharing and relocation regime acceptable to all affected parties. We find that comments informed by the results of WRC-95 preparations and industry consultation will allow the Commission to make better decisions than would be possible without this information. The two-month delay in this proceeding is justified by the quantity and quality of information we will have as a result. On balance, we find that the public interest would best be served by granting the extension. Accordingly, for good cause shown, IT IS ORDERED that the date for filing comments in this matter is extended to May 5, 1995, and the date for filing reply comments is extended to June 6, 1995.

5. This action is taken pursuant to authority found in Sections 4 (i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i), 302, 303; and pursuant to Sections 0.31 and 1.46 of the Commission's Rules, 47 C.F.R. §§ 0.31, 1.46. For further information contact Sean White, Office of Engineering and Technology, (202) 776-1624.

FEDERAL COMMUNICATIONS COMMISSION



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⁹ See 47 C.F.R. § 1.46(a).