Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters	)	IB Docket No. 16-408

OPPOSITION OF SPACE NORWAY TO PETITION FOR RECONSIDERATION

1. INTRODUCTION

Space Norway AS ("Space Norway") respectfully submits this opposition to the Petition for Reconsideration of WorldVu Satellites Limited[1] of the Report & Order and Further Notice of Proposed Rulemaking[2] adopted by the Federal Communications Commission ("FCC" or the "Commission") on September 26, 2017, in the above-referenced proceeding. Space Norway fully supports the Commission's decision in the NGSO R&O to encourage non-geostationary orbit ("NGSO") satellite operators authorized in a processing round to coordinate to deal with instances of potential interference among systems, and to mandate band-splitting when the $\Delta T/T$ of an interfered link exceeds 6 percent in the absence of a coordination agreement between satellite operators (the "Band-Splitting Rule").[3] Space Norway also supports the Commission's decision not to give priority for coordination

[1] WorldVu Satellites Limited, Petition for Reconsideration of WorldVu Satellites Limited, IB Docket No. 16-408 (filed on Jan. 18, 2018) (the "OneWeb Petition").

[2] In re Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters, Report & Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 7809 (2017) (the "NGSO R&O").

[3] *Id*. at ¶ 49.

purposes to an NGSO satellite operator according to the date of receipt of its International Telecommunication Union ("ITU") coordination request.[4]

2. DISCUSSION

To promote the deployment of NGSO fixed-satellite service ("FSS") systems, spectrum sharing, and competition, applicants in the same processing round must be treated equally. The OneWeb Petition requests that the Commission reconsider its decision to adopt the Band-Splitting Rule, and that the Commission instead mandate that ITU priority would govern in-line interference events in all authorized NGSO FSS bands.[5] This latter proposal is not in the public interest, because it would create substantial uncertainty for all authorized NGSO satellite operators, except for a "single 'winner' . . . in wide swaths of spectrum."[6]

Furthermore, the Commission's decision to treat all applicants in a processing round equally, and to adopt band segmentation as the default solution to protect NGSO FSS systems should satellite operators fail to reach a coordination agreement, encourages both early and late entrants to agree on operating parameters, rather than divide the commonly-assigned spectrum, which division would not be in any satellite operator's interest. The Band-Splitting

[4] *Id*. at ¶ 50 ("In contrast to a ΔT/T of 6 percent threshold, Telesat's proposal to award priority to a single NGSO FSS operator according to the date of receipt of its ITU coordination request would give no certainty to other operators that they may use any portion of the spectrum absent that operator's consent. In other words, absent coordination, Telesat asks the Commission to pick a single "winner"—Telesat, in many frequency bands—that would be given certainty of operations in wide swaths of spectrum without offering any certainty to a multitude of other proposals in the same bands. This regime could unduly chill investment in competing systems. If the first priority system is not ultimately deployed, it could delay the provision of NGSO FSS broadband by lower-priority systems fearful of a hypothetical sharing environment. And it gives the highest priority system weaker incentives to accommodate competing NGSO FSS systems. In contrast, our default sharing solution sets all applicants in a processing round on an equal basis. This equality will form the basis of the necessary coordination discussions. We expect more accommodation, more sharing, and ultimately, more competition, will result from treating NGSO FSS applicants equally than by a first-come, first-served regime in a potentially challenging sharing environment. In addition, Telesat's proposal would cause confusion because the ITU dates of receipt for any two U.S.-licensees would not have any international significance, since coordination between these two U.S. systems is a domestic matter and not subject to ITU rules. Accordingly, to set all NGSO FSS applicants and market access petitioners in the processing rounds on an equal footing and because no one angle is appropriate for all systems, we adopt a ΔT/T of 6 percent threshold to define the default sharing required among NGSO FSS systems.").

[5] OneWeb Petition at 3.

[6] NGSO R&O at ¶ 50.

Rule provides equal incentives for all satellite operators in a processing round to reach coordination agreements, and it benefits all applicants in a processing round. Relying on the date of receipt of satellite operators' ITU coordination requests would benefit only those who, perhaps speculatively, submitted an ITU filing at an early stage.

The OneWeb Petition also argues that the Commission must adopt an effective backstop to increase coordination among satellite operators.[7] OneWeb states that the Band-Splitting Rule "creates perverse incentives for late-filers to engage in gaming strategies during … [] coordination."[8] OneWeb does not explain whom it considers to be a "late filer," but given that the Band-Splitting Rule only applies to NGSO FSS systems in the same processing round, all satellite operators that are granted market access would, under the Commission's approach, have to adhere to – and comply with – the same milestone criteria, thus encouraging coordination.

3. CONCLUSION

For the foregoing reasons, Space Norway opposes the OneWeb Petition and reiterates its full support to the Band-Splitting Rule.

Respectfully submitted,

SPACE NORWAY AS

/s/ Asbjørn Birkeland

By: _____

Asbjørn Birkeland
Chairman
Space Norway AS

[7] OneWeb Petition at 9-10.

[8] OneWeb Petition at 10.