

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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

**Opposition and Response of SES Americom, Inc. and O3b Limited  
to Petitions for Reconsideration**

SES Americom, Inc. (“SES Americom”) and O3b Limited (“O3b,” and with SES Americom, “SES”) hereby respond to petitions for reconsideration of the Commission’s NGSO Report and Order,<sup>1</sup> which adopted rules for non-geostationary orbit (“NGSO”) systems operating in Ku- and Ka-band spectrum.

SES believes that the rules promulgated by the Commission in the NGSO R&O have created a regulatory environment that will promote balanced access to spectrum for future NGSO systems as well as for geostationary orbit (“GSO”) networks to the benefit of the public interest. Accordingly, SES opposes the changes to the NGSO sharing regime proposed by WorldVu Satellites Limited (“OneWeb”),<sup>2</sup> which would conflict with the Commission’s policy goals of facilitating good faith coordination and the deployment of multiple, competitive NGSO constellations. However, the petitions for reconsideration filed by ViaSat, Inc. (“ViaSat”)<sup>3</sup> and

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<sup>1</sup> *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order and Further Notice of Proposed Rulemaking (“NGSO R&O”), 32 FCC Rcd 7809 (2017).

<sup>2</sup> Petition of Reconsideration of WorldVu Satellites Limited, GN Docket 16-408 (filed Jan. 17, 2017) (“OneWeb Petition”).

<sup>3</sup> Petition of Reconsideration of ViaSat, Inc., GN Docket 16-408 (filed Jan. 17, 2017) (“ViaSat Petition”).

by a group of satellite operators<sup>4</sup> raise certain valid issues that warrant further consideration from the Commission.

Specifically, as an operator of both GSO and NGSO satellites, SES agrees with ViaSat that the Commission should further evaluate the possibility of developing aggregate uplink EPFD (“EPFD<sub>up</sub>”) limits. Similarly, SES supports ViaSat’s argument that the Commission should not foreclose the possibility of secondary fixed-satellite service (“FSS”) operations in the 19.4-19.6 GHz and 29.1-29.25 GHz bands. The Commission should also follow the suggestion made by EchoStar Satellite Operating Corporation/Hughes Network Systems, LLC, Telesat Canada and Iridium Constellation LLC (the “Joint Petitioners”) to either eliminate or rewrite the text of footnote NG62 to fit the Commission’s stated intent.

**I. The Commission Should Decline OneWeb’s Request to Base NGSO Sharing Obligations on ITU Priority**

The Commission should reject the OneWeb Petition, which reiterates arguments regarding reliance on International Telecommunication Union (“ITU”) priority in implementing sharing among NGSO systems that the Commission thoroughly considered and rejected in the NGSO R&O.<sup>5</sup> Because OneWeb does not provide any new arguments or compelling reasons for the Commission to reopen the discussion of this matter, its petition should be dismissed.

As the Commission noted in the NGSO R&O, awarding spectrum access priority based on an applicant’s ITU filing status would give a single operator preferential access to large swaths of spectrum, while providing no certainty to subsequent applicants that they would be

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<sup>4</sup> Petition of Reconsideration of EchoStar Satellite Operating Corporation/Hughes Network Systems, LLC, Telesat Canada and Iridium Constellation LLC, GN Docket 16-408 (filed Jan. 17, 2017 (“Joint Petition”).

<sup>5</sup> See Reply Comments of Telesat, GN Docket 16-408, at 11 (filed April 10, 2017) (“Telesat Reply Comments”).

able to make reasonable use of the frequencies.<sup>6</sup> This would undermine a longstanding Commission goal “to license satellites in a manner that promotes open entry, competition, maximum flexibility, technical innovation, and seamless networks.”<sup>7</sup> The Commission correctly identified that the policy initially proposed by Telesat, and now advocated by OneWeb, could have the opposite effect and chill investment in later filed systems.<sup>8</sup>

Even OneWeb acknowledges that under its proposal “the heavier coordination burden” would fall on applicants with lower ITU priority.<sup>9</sup> Such disproportionate burdens would reward parties who fail to engage in good faith coordination and would hinder the deployment of multiple, competing NGSO systems, undermining achievement of the Commission’s public interest objectives. Because this proposal was thoroughly addressed on the record and OneWeb fails to articulate any new arguments in favor of its position, the Commission should dismiss OneWeb’s petition for reconsideration on this matter.

## **II. The Commission Should Reconsider Certain Issues Highlighted by ViaSat to Promote Regulatory Certainty and the Efficient Use of Spectrum**

SES supports the requests in the ViaSat Petition for the Commission to address the following issues: (1) further evaluating potential aggregate EPFD<sub>up</sub> limits; and (2) adding a secondary allocation for FSS in the 19.4-19.6 GHz and 29.1-29.25 GHz bands.

ViaSat observes that “the ITU has not specified any limits on *aggregate* EPFD in the uplink direction (EPFD<sub>UP</sub>), which could place GSO satellite receivers at particular risk from the

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<sup>6</sup> NGSO R&O, 32 FCC Rcd at 7825, ¶ 50.

<sup>7</sup> *Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Service Third Report and Order*, GN Docket 92-297, 12 FCC Rcd 22310, 22316, ¶ 14 (1997).

<sup>8</sup> NGSO R&O at ¶ 50.

<sup>9</sup> OneWeb Petition at 5.

simultaneous operation of multiple NGSO systems.”<sup>10</sup> SES agrees. The Commission must continue to develop the record and strive to develop workable aggregate EPFD<sub>up</sub> limits that allow multiple NGSO systems to operate while sufficiently protecting GSO satellites from unacceptable interference. For the reasons articulated by ViaSat,<sup>11</sup> the current rules fall short of achieving this balance.

While the Commission was understandably hesitant to implement new aggregate EPFD<sub>up</sub> regulations with limited input from stakeholders and uncertainty about future NGSO deployment, it should seek to continue developing the record on the necessary aggregate EPFD<sub>up</sub> values. SES urges the Commission to reopen the topic on reconsideration or in a Public Notice to allow stakeholders to submit additional studies and proposals and work with the Commission to develop a viable regulatory solution for aggregate EPFD<sub>up</sub> limits. However, notwithstanding the value of the further development of the record, any consideration of this topic should in no way delay the expeditious processing of remaining pending NGSO license applications.

SES also supports ViaSat’s proposal that on reconsideration the Commission permit secondary FSS use of the 19.4-19.6 GHz and 29.1-29.25 GHz bands. ViaSat demonstrates<sup>12</sup> that considering this allocation is within the scope of the Commission’s NGSO NPRM.<sup>13</sup> Further, the Commission has determined in the past that developing new methods for enhancing the efficient use of spectrum to facilitate the deployment of innovative services is in the public interest.<sup>14</sup>

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<sup>10</sup> ViaSat Petition at 2 (emphasis in original).

<sup>11</sup> *See id.* at 2-3.

<sup>12</sup> *See id.* at 6-7.

<sup>13</sup> *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Notice of Proposed Rulemaking (“NGSO NPRM”), 31 FCC Rcd 13651 (2016).

<sup>14</sup> *See, e.g., International Institute of Communications and Telecommunications and Media Forum*, Remarks of Chairman Pai (Dec. 5, 2017) (“We all must work together to identify spectrum policies and rules that will enable innovation and investment in new wireless

As the Commission notes, the only current user of these bands is MSS operator Iridium Constellation, LLC (“Iridium”).<sup>15</sup> SES recognizes that Iridium’s services are entitled to protection, but a secondary allocation for FSS in the 19.4-19.6 and 29.1-29.25 GHz bands would ensure primary MSS operations in the band are not disrupted while allowing FSS operators to make use of unused spectrum throughout the U.S. The Commission should either address this issue on reconsideration or, if it conclusively determines that these bands are outside of the scope of the NGSO NPRM, issue a Further Notice of Proposed Rulemaking to seek input on the potential for a secondary FSS allocation in the 19.4-19.6 GHz and 29.1-29.25 GHz bands.

### **III. The Commission Should Adopt the Joint Petitioners’ Proposal and Either Eliminate or Rewrite Footnote NG62**

SES supports the arguments made by the Joint Petitioners seeking revision or elimination of Footnote NG62. The footnote as drafted does not conform to the intent articulated by the Commission and potentially saddles FSS operators with additional burdens and consequences that could adversely affect the provision of many mission-critical services.<sup>16</sup>

The Joint Petitioners identify two options by which the Commission could resolve this matter: 1) eliminating the footnote entirely; or 2) revising it as specified in the Joint Petition.<sup>17</sup> SES would support either course of action and urges the Commission to reconsider this matter.

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technologies and services. This will aid mobile consumers everywhere and help us close the digital divide.”).

<sup>15</sup> SES notes that it has proposed to use the 29.1-29.25 GHz bands for MSS feeder links to support its NGSO fleet’s MSS operations. SES has determined that an FSS allocation for this band would not negatively affect such operations.

<sup>16</sup> Joint Petition at 3.

<sup>17</sup> *See id.* at 2-3.

#### IV. Conclusion

For the reasons set forth above, the Commission should reject OneWeb's call to use ITU priority to resolve coordination among NGSO processing round applicants and instead should retain its current rules, which will better facilitate the Commission's policy goals. The Commission should reconsider its position on certain policy issues raised by ViaSat and the Joint Petitioners.

Respectfully submitted,

SES AMERICOM, INC.

O3b LIMITED

By: /s/ Petra A. Vorwig  
Senior Legal and Regulatory Counsel  
SES Americom, Inc.  
1129 20th Street, NW  
Suite 1000  
Washington, DC 20036  
(202) 428-7143

By: /s/ Suzanne Malloy  
Vice President, Regulatory Affairs  
O3b Limited  
900 17th Street, NW  
Suite 300  
Washington, DC 20006  
(202) 813-4026

February 20, 2018

## CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2018, I caused to be served a true copy of the foregoing “Comments of SES S.A. and O3b Limited” by first class mail, postage prepaid, upon the following:

Brian Weimer  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Ave NW, Suite 100  
Washington, 20006  
[bweimer@sheppardmullin.com](mailto:bweimer@sheppardmullin.com)  
Counsel to WorldVu Satellites Limited

John P. Janka  
Latham & Watkins LLP  
555 Eleventh Street, NW  
Suite 100  
Washington, DC 20004  
[John.Janka@lw.com](mailto:John.Janka@lw.com)  
Counsel to ViaSat, Inc.

Jennifer Manner  
Senior Vice President, Regulatory Affairs  
Hughes Network Systems, LLC  
11717 Exploration Lane  
Germantown, MD 20876  
[Jennifer.Manner@echostar.com](mailto:Jennifer.Manner@echostar.com)

Joseph A. Godles  
Goldberg Godles Wiener & Wright  
1025 Connecticut Avenue, NW  
Suite 1000  
Washington, DC 20036  
[JGodles@g2w2.com](mailto:JGodles@g2w2.com)  
Counsel to Iridium Constellation LLC

Leslie Milton  
Senior Counsel, Regulatory Affairs  
Telesat Canada  
1601 Telesat Court  
Ottawa, Ontario  
Canada, K1B 5P4  
[LMilton@telesat.com](mailto:LMilton@telesat.com)

/s/ \_\_\_\_\_  
Will Lewis