

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

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

**COMMENTS OF WORLDTVU SATELLITES LIMITED**

WorldVu Satellites Limited, d/b/a OneWeb, submits these Comments on the Petition for Reconsideration filed by Viasat, Inc. (“Viasat”) in the above-captioned docket.

In 2017, the Commission granted U.S. market access to OneWeb for its non-geostationary (“NGSO”), fixed-satellite service (“FSS”) constellation—explicitly recognizing its potential to facilitate transformative connectivity on a previously unrealized scale.<sup>1</sup> OneWeb remains on track to utilize this state-of-art NGSO FSS constellation to close the digital divide by bringing high-speed broadband Internet to billions of people worldwide. With the planned launch of its first production satellites this year, OneWeb will be one step closer to achieving this mission and fundamentally changing how remote and rural areas connect to the Internet.

OneWeb appreciates the Commission’s update of the regulatory framework for NGSO FSS systems to account for the advanced capabilities of modern NGSO FSS constellations.<sup>2</sup> The

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<sup>1</sup> See *Statement of Chairman Ajit Pai, WorldVu Satellites Limited, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System*, Order and Declaratory Ruling, 32 FCC Rcd 5366 (2017) (“OneWeb Market Access Grant”) (“Today, the FCC . . . seek[s] to make the promise of high-speed Internet access a reality for more Americans, partly through the skies.”).

<sup>2</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, 32 FCC Rcd 7809 (2017) (“NGSO R&O”).

Commission made a well-reasoned decision to adopt the ITU Article 22 EPFD limits on NGSO FSS operations in the Ka-band, and OneWeb disagrees with Viasat that the Commission should reconsider this decision.<sup>3</sup> However, OneWeb agrees with Viasat that the Commission should (i) explicitly allow all processing round applicants to amend their pending applications and petitions under a prescribed process in light of the change in milestone rules set forth in the NGSO R&O<sup>4</sup> and (ii) reconsider use of the 19.4-19.6 GHz and 29.1-29.25 GHz bands to facilitate more flexible NGSO FSS connectivity in the Ka-band.<sup>5</sup>

**I. THE COMMISSION SHOULD ALLOW PROCESSING ROUND APPLICANTS TO AMEND THEIR APPLICATIONS IN LIGHT OF THE CHANGE IN MILESTONE RULES SET FORTH IN THE NGSO R&O**

OneWeb agrees with Viasat that, in light of the Commission’s new NGSO rules and in the interest of treating all processing round applicants equitably, the Commission should allow all applicants to amend their pending applications or petitions—*while remaining in the processing round*. An amendment process will (i) prevent inequitable results due to rule changes during processing rounds and (ii) ensure needed regulatory certainty.<sup>6</sup>

OneWeb expended significant capital and spent years designing and developing its NGSO FSS system in compliance with the Commission’s rules as they existed at the time.<sup>7</sup> Prior to the adoption of the recent NGSO R&O, the milestone rules mandated complete buildout of a

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<sup>3</sup> Petition for Reconsideration of Viasat, Inc., IB Docket No. 16-408, at 2 (filed Jan. 17, 2018), (“Viasat Petition for Reconsideration”).

<sup>4</sup> *Id.* at 8.

<sup>5</sup> *Id.* at 6.

<sup>6</sup> *Id.* at 8-9.

<sup>7</sup> *See generally*, OneWeb Market Access Grant, 32 FCC Rcd 5366.

proposed NGSO FSS system within six years of grant.<sup>8</sup> Consequently, these rules shaped the design of OneWeb’s NGSO FSS system and determined the scope of OneWeb’s processing round applications. Other NGSO FSS applicants chose a more cavalier approach to regulatory compliance. Allowing these applicants to reap a regulatory windfall under the revised NGSO R&O regulatory framework, if amendments to pending applications and petitions are not explicitly allowed to remain in the processing round, would be an inequitable outcome that is not in the public interest.<sup>9</sup>

Thus, for the Commission to avoid unfairly rewarding applicants who developed systems not compliant with Commission regulations, the Commission should (i) explicitly permit amendments to pending applications in existing processing rounds in response to the change in milestone rules and (ii) issue a public notice prescribing the mechanism for making such amendments.<sup>10</sup> In other words, amendments responding to the Commission’s change in milestone rules in the NGSO R&O should not be considered “major amendments.”

## **II. THE COMMISSION SHOULD MODIFY THE KA-BAND PLAN TO FACILITATE FSS USE OF THE 19.4-19.6 GHZ AND 29.1-29.25 GHZ BANDS**

OneWeb agrees with Viasat that the Commission should modify the Ka-band plan to facilitate FSS use of the 19.4-19.6 GHz and 29.1-29.25 GHz bands.<sup>11</sup> As many commenters

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<sup>8</sup> See NGSO R&O, 32 FCC Rcd at 7829, paras. 62 and 63.

<sup>9</sup> Viasat Petition for Reconsideration at 9.

<sup>10</sup> OneWeb acknowledges that the Commission “will allow current licensees and market access recipients to submit a simple letter request to modify particular conditions in their grants consistent with the rule changes adopted in [the NGSO R&O].” NGSO R&O at ¶ 71, fn. 162. It is in the public interest to afford applicants with pending applications the opportunity to modify their petitions or applications without penalty.

<sup>11</sup> Viasat Petition for Reconsideration at 6.

pointed out, this spectrum is largely unused.<sup>12</sup> OneWeb is confident that it and other NGSO FSS operators can efficiently share the spectrum with incumbent mobile satellite service (“MSS”) operators, without causing any interference or operational disruption, via coordination and sufficient geographic separation of gateway stations. As there are no real technical barriers to spectrum sharing between NGSO FSS and MSS operators in these bands, and considering the Commission’s consistent stance on spectrum sharing, opening up these underutilized bands for NGSO FSS use is consistent with the Commission’s stated policy objectives and would enable NGSO FSS operators to make further progress in bridging the digital divide.

### **III. THE COMMISSION SHOULD MAINTAIN ITS WELL-REASONED ADOPTION OF INTERNATIONAL EPFD LIMITS**

The Commission was correct in requiring NGSO systems operating in the Ka-band to comply with the ITU Article 22 EPFD limits, as these limits are sufficient to fully protect GSO operations. These limits provide a stable framework for the mutual coexistence of GSO and NGSO satellite systems in these frequency bands, and not surprisingly, there is near unanimous support in the record for adopting the ITU EPFD limits in Ka-band.<sup>13</sup> Therefore, Viasat’s suggestion for the Commission to reconsider these established limits is unsupported.

Moreover, there is nothing arbitrary and capricious about the Commission’s adoption of the ITU EPFD limits. *First*, the analyses that led to the creation of the limits involved significant

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<sup>12</sup> See, e.g., Comments of Viasat, IB Docket No. 16-408, at 9 (filed February 27, 2017).

<sup>13</sup> See, e.g., Comments of OneWeb, IB Docket No. 16-408, at 22-24 (filed Feb. 27, 2017); Comments of Boeing, IB Docket No. 16-408, at 9 (filed Feb. 27, 2017) Comments of SES/O3b, IB Docket No. 16-408, at 19 (filed Feb. 27, 2017); Comments of Telesat, IB Docket No. 16-408, at 6 (filed Feb. 27, 2017).

Commission and U.S. industry input.<sup>14</sup> *Second*, as most of the proposed NGSO systems are global in nature, consistency between the Commission’s rules and international standards regarding EPFD limits is crucial. Inconsistency would be burdensome on NGSO operators serving the U.S. market due to drastically different operating standards and could create complicated and uncertain operating parameters for GSOs serving neighboring countries. The Commission did not abandon its responsibilities; to the contrary, the Commission’s decision to adopt these long-established international limits is well-reasoned.

#### **IV. CONCLUSION**

For the reasons outlined above, the Commission should reconsider (i) explicitly allowing amendments to existing processing round applications and (ii) modifying the Ka-band plan for further NGSO FSS use. However, the Commission should *not* reconsider its adoption of the ITU Article 22 EPFD limits.

Respectfully submitted,

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February 20, 2018

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<sup>14</sup> As with the Ku-band EPFD limits, ITU study groups—with substantial input from the Commission and U.S. satellite operators—developed the Ka-band EPFD limits after exhaustive analyses.

**CERTIFICATE OF SERVICE**

I, Mariah Shuman, hereby certify that on this 20th day of February 2018, a copy of the foregoing Comments is being sent via first class, U.S. Mail, postage paid, to the following:

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