

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

In the Matter of	)	
	)	
Section 610 - Possible Revision or	)	CB Docket No. 18-31
Elimination of Rules	)	

**COMMENTS OF  
THE COMMERCIAL SMALLSAT SPECTRUM MANAGEMENT ASSOCIATION**

**I.    Introduction**

The Commercial Smallsat Spectrum Management Association (“CSSMA”) is pleased to respond to the Public Notice pursuant to the Regulatory Flexibility Act in the above-captioned docket.<sup>1</sup> CSSMA is one of the largest associations, with thirty-three members from twelve countries, in the satellite industry. Its membership includes many of the leading operators, ground station service providers, manufacturing and component providers, and other service providers in the small satellite industry. CSSMA seeks to create the conditions for a coordinated, transparent, and expedited spectrum coordination process among commercial small satellite spectrum users, government users, and other satellite and terrestrial users, and to advocate and represent the members’ views on spectrum management and other policy matters that affect the small satellite community.<sup>2</sup>

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<sup>1</sup> See generally *Possible Revision or Elimination of Rules*, Public Notice, CB Docket No. 18-31, DA 18-115 (rel. July 31, 2018).

<sup>2</sup> See CSSMA, <https://cssma.space> (last visited Oct. 28, 2018).

Below CSSMA provides comments and recommendations regarding some of the Commission rules subject to the Section 610 Regulatory Flexibility Act review in the above referenced docket.

## **II. Comments and Recommendations**

- A. Delete Section 25.110(e) - The rule requires keeping in a licensee's files an original and signed hard copy of an electronically filed application. The Commission accepts for processing an electronic submission and signature on Form 312. A hard copy is no longer necessary nor useful to the Commission for the processing of license applications and imposes an unnecessary burden of maintaining hard copy files for the applicant.
- B. Delete Section 25.112(a)(3) - The rule requires the dismissal of applications that request authorization of any frequencies that are in derogation of the frequency allocations in the Radio Regulations of the International Telecommunications Union. In practice, many applications to the Commission request such frequencies with appropriate waiver requests and electromagnetic compatibility studies, and the Commission has authorized them. Enforcing the rule constrains the Commission's flexibility to account for innovations, such as the emergence of satellite-to-satellite communications technologies in many new frequency bands not currently allocated for the service, in the space industry. The proposed modification of the rule is to modify subsection (a)(3) of Section 25.112 to allow for waivers if substantiated through appropriate electromagnetic compatibility studies.

- C. Modify Section 25.118(a) - The rule requires the use of Form 312 and Schedule B when there are minor modifications, which do not require prior Commission approval, to an earth station requiring notification. Such minor notifications can be filed instead as supplemental filings to the applicable license file. This change would reduce extra paperwork burden on the applicant and elimination of the associated and unnecessary filing fee. The proposed modification of the rule is to remove the requirement to use Form 312 and Schedule B for such minor modifications and replace it by only requiring the use of a supplemental notice to the applicable license file.
- D. Modify Section 25.118(f) - The rule requires the use of Form 312 when there are minor modifications, which do not require prior Commission approval, to NGSO space station orbits. Such minor notifications can be filed instead as supplemental filings to the applicable license file. As proposed for Section 25.118(a), the proposed modification to the rule is the removal of the requirement to use Form 312 for such minor modifications and replace it by only requiring the use of a supplemental notice to the applicable license file.
- E. Modify Section 25.118(f)(5) - The rule indicates that orbit changes, of less than 10 kilometers or within less than 30 days duration, for NGSO space stations do not require prior approval from the Commission. Correspondingly, larger orbital changes require prior Commission approval. Some NGSO space stations, in particular those without propulsion that will remain operational from their original launch insertion altitude to a much lower orbit as they naturally decay over a period of several years,

have been issued authorizations<sup>3</sup> for a range of altitudes that far exceed 10 kilometers. The rule as written would require such space station operators to submit for prior approval dozens of modifications over the years as the satellite naturally decays but remains operational. The proposed modification is to clarify the applicability of the rule to exclude the case when the space station is already authorized for operations over a range of orbital altitudes as it naturally decays.

- F. Modify Section 25.120(b)(3) and (b)(4) - The rules provide for two cases of granting a temporary authorization with periods of sixty days and thirty days respectively, which differentiate based on the applicant's intent to request permanent authority or not. Such distinction is unnecessary, and the two subsections can be combined into one for a 60-day period regardless the intent to file for permanent authority or not. In the case of an operator making such a change request as needed for a special test or satellite commissioning activity, (*i.e.*, Launch and Early Operations Phase<sup>4</sup>), the event may require more than thirty days to schedule and conduct but less than sixty days total, and the timeline is not related to the potential permanence of the change. A simple provision for a 60-day temporary authority eases the burden on the operator for the scheduling and completion of the event without requiring the application and processing time for the longer term 180-day temporary authority, which requires a public notice period. The proposed modification is to eliminate subsection (b)(4) and

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<sup>3</sup> See, *e.g.*, Stamp Grant, Astro Digital U.S., Inc., File No. SAT-LOA-20170508-00071 (granted and deferred in part Apr. 12, 2018); Stamp Grant, Spire Global, Inc., File No. SAT-AMD-20161114-00107 (granted in part and deferred in part July 13, 2017); Stamp Grant, Planet Labs Inc., File No. SAT-MOD-20150802-00053 (granted Sept. 15, 2016).

<sup>4</sup> See Stamp Grant, Terra Bella Technologies Inc., File No. SAT-STA-20180724-00055 (granted Sept. 13, 2018).

to modify subsection (b)(3) with the removal of the sentence “and the applicant plans to file a request for regular authority for the service.”

G. Modify Section 25.137 - The rule was instituted in the earlier days of satellite services to the general U.S. mass markets to prevent non-U.S. licensed space stations from serving the United States unless said operator allowed U.S. licensed space stations to compete in the non-U.S. country. This rule now hinders U.S. ground station operators from providing support to the multitude of new non-U.S. licensed space stations that are not serving the U.S. mass market (*e.g.*, TT&C, scientific research, technology testing, remote sensor data capture, earth imaging, etc.). The proposed modifications are to subsections (a), (d)(1), (d)(2), (d)(3), and (d)(4).

- i. Modify subsection (a) and remove the requirement of an exhibit to prove “effective competition opportunities exist in the non-U.S. licensed country,” unless the request for service is directed to the U.S. mass consumer market.
- ii. Modify subsections (d)(1), (d)(2), (d)(3), and (d)(4) to apply only to services directed at the U.S. consumer mass market. The rule imposes space station related showings for earth station applications in the case the space station is a non-U.S. licensed system. These showings are related to demonstrating the space system is compliant with Commission requirements to operate in the United States. Furthermore, earth station operators providing earth stations as a service to the space operator may have difficulty acquiring such information, which may be considered proprietary information, from the foreign operators. More particularly, the

rule is unnecessary for the case of a space station that is not seeking U.S. market access. CSSMA proposes to replace these rules with a requirement to simply provide the foreign space station authorization and a certification the satellite system is a non-common carrier not serving the general public.

- H. Add to Section 25.157 - The rule specifies that for all NGSO satellite system applications there will be a review for competing applications, and a processing round may be initiated. In practice and routinely, many NGSO satellite systems, such as those in the Earth Exploration-Satellite Service or Meteorological-Satellite Service, are granted a waiver<sup>5</sup> of a processing round based on their representation that their operations will not preclude additional operator entrants in the applicable band. This routine waiver of a processing round can be codified in the regulations, thereby eliminating the routine waiver requests. CSSMA proposes to add an additional exemption from the rule under subsection (b) that states that Section 25.157 does not apply to applications where the applicant can certify that its operations will be able to share with and not preclude additional entrants in the band.

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<sup>5</sup> See, e.g., Stamp Grant, BlackSky Global, LLC, File No. SAT-LOA-20120322-00058 (granted Oct. 3, 2018); Stamp Grant, Astro Digital U.S., Inc., File No. SAT-LOA-20170508-00071 (granted and deferred in part Apr. 12, 2018); Stamp Grant, Spire Global, Inc., File No. SAT-AMD-20161114-00107 (granted in part and deferred in part July 13, 2017); Stamp Grant, Planet Labs Inc., File No. SAT-MOD-20150802-00053 (granted Sept. 15, 2016); Stamp Grant, DG Consents Sub, Inc., File No. SAT-MOD-20120427-00079 (granted Oct. 10, 2012); Stamp Grant, Terra Bella Technologies Inc., File No. SAT-LOA-20120322-00058 (granted Sept. 20, 2012).

### **III. Conclusion**

CSSMA respectfully submits these comments regarding the possible revision of Commission rules, allowing the Commission to keep pace with U.S. innovation and stay competitive in the international space community.

Respectfully submitted,

**CSSMA**

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