

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

In the Matter of

Facilitating the Communications of Earth
Stations in Motion with Non-Geostationary
Orbit Space Stations

IB Docket No. 18-315

REPLY COMMENTS OF INTELSAT LICENSE LLC

Intelsat License LLC (“Intelsat”) hereby submits these Reply Comments in the above-captioned Notice of Proposed Rulemaking (“NPRM”).¹ In these Reply Comments Intelsat supports the proposal that any adopted rule modifications for non-geostationary orbit (“NGSO”) Earth Stations in Motion (“ESIM”) must protect geostationary (“GSO”) operators in bands where GSO has a primary allocation. Intelsat also urges the Federal Communications Commission (“FCC” or “Commission”) to clarify that self-monitoring and network monitoring and control requirements apply equally to NGSO and GSO ESIM.

As EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, “Echostar”), Eutelsat S.A., and ViaSat Inc. highlight in their comments, it is necessary for the FCC to ensure that any new NGSO rules protect incumbent GSO operations.²

¹ *Facilitating the Communications of Earth Stations in Motion with Non-Geostationary Orbit Space Stations*, Notice of Proposed Rulemaking, FCC 18-315 (rel. Nov. 16, 2018) (“NPRM”).

² *See* Comments of EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC, IB Docket No. 18-315 at 3 (filed Feb. 11, 2019); Comments of Eutelsat S.A., IB Docket No. 18-315 at 2 (filed Feb. 11, 2019) (“Eutelsat”) (noting NGSO ESIM authorizations should be “consistent with the regulatory status of the allocated service, first-in-time protection for pre-existing, coprimary GSO operations and priority for operations with primary regulatory status as compared to secondary operations.”); Comments of Viasat Inc., IB Docket No. 18-315 at 4, 5, 8 (filed Feb. 11, 2019).

Intelsat therefore supports the Commission’s proposal to permit NGSO ESIM operations in the 11.7-12.2 GHz, 14.0-14.5 GHz, 18.3-18.6 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.5-30.0 GHz frequency bands, *subject to* the condition that NGSOs may “not cause unacceptable interference to, or claim protection from, geostationary-satellite networks.”³

Numerous supporters of the Commission’s proposal focus on the “primary” status of NGSO ESIM operations in their comments,⁴ while neglecting the Commission’s condition “that such operations do not cause harmful interference to, or claim protection from, GSO FSS networks.”⁵ The Commission’s use of the term “primary” in paragraph 9 of the NPRM is potentially confusing. NGSO operations in 11.7-12.2 GHz, 14.0-14.5 GHz, 18.3-18.6 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.5-30.0 GHz frequency bands is on a non-protected, non-interference (or “secondary”) basis with respect to geostationary operations. In the NPRM, the FCC does not propose to elevate the NGSO protection status vis-à-vis GSOs. Rather, the FCC seeks to clarify that NGSO ESIM may be considered an application in the fixed satellite service, which happens to be a primary allocated use of the bands. The FCC is maintaining, and should maintain, the existing protection status offered to GSOs vis-à-vis NGSO operations, which is articulated in the proposed footnote NG527A.⁶ In other words, NGSO ESIM will be provided the same protections, and have the same obligations, as the NGSO fixed satellite service already possesses. This includes the obligation to comply with the protection offered GSOs in Section

³ NPRM at Appendix A, § 2.106 NG527A (a), (b), (c), (d), (f).

⁴ *See, e.g.* Comments of ESIM Coalition, IB Docket No. 18-315 (filed Feb. 11, 2019) (“ESIM Coalition”).

⁵ NPRM at para. 9 (citing 47 C.F.R. § 25.289).

⁶ *Id.* at Appendix A, § 2.106 NG527A (a), (b), (c), (d), (f).

25.289 of the Commission's rules.⁷

Additionally, proposals by the ESIM Coalition, as well as SES Americom, Inc. and O3b Limited (collectively, "SES"), that the FCC adopt the term "unacceptable interference" are unnecessary.⁸ Although the Commission used the term "harmful interference" in paragraph 9 of the NPRM, proposed footnote NG527A in Appendix A of the NPRM appropriately used the term "unacceptable interference" consistent with Section 25.289 of the FCC's rules.⁹ As such, Intelsat urges the Commission to adopt the proposed operational condition for footnote NG527A in the NPRM and to reiterate the importance of protecting incumbent and future GSO operations.

Additionally, Intelsat agrees with numerous filers that there should be parity between the GSO and NGSO ESIM self-monitoring and network monitoring and control requirements.¹⁰ The NPRM has created some ambiguity as to these requirements for NGSO ESIM, as commenters interpreted the NPRM differently on this issue.¹¹ Self-monitoring and network monitoring and control requirements are necessary to ensure operations are in accordance with the Commission's rules.

⁷ See 47 C.F.R. § 25.289 ("Unless otherwise provided in this chapter, an NGSO system licensee must not cause unacceptable interference to, or claim protection from, a GSO FSS or GSO BSS network....").

⁸ See ESIM Coalition at 3; Comments of SES Americom, Inc. and O3b Limited, IB Docket No. 18-315 at 7-8 (filed Feb. 11, 2019) ("SES").

⁹ NPRM at para 9, Appendix A, § 2.106 NG527A.

¹⁰ See Eutelsat at 2; SES at 9; ESIM Coalition at 5-6.

¹¹ Compare *id.* with Comments of Kepler Communications Inc., IB Docket No. 18-315 at n. 4 (filed Feb. 11, 2019).

For the reasons stated above, Intelsat urges the Commission to adopt footnote NG527A as proposed and rules that clearly require NGSO ESIM self-monitoring and network monitoring and control.

Respectfully submitted,

Jennifer D. Hindin
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006-2304
(202) 719-7000

INTELSAT LICENSE LLC

/s/ Susan H. Crandall
Susan H. Crandall
Associate General Counsel

/s/ Cynthia J. Grady
Cynthia J. Grady
Senior Counsel
Intelsat US LLC
7900 Tysons One Place
McLean, VA 22102
(703) 559-6949

March 13, 2019