

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Further Streamlining Part 25 Rules Governing)	IB Docket No. 18-314
Satellite Services)	

COMMENTS OF WORLDVU SATELLITES LIMITED

WorldVu Satellites Limited (“OneWeb”) respectfully submits these comments in response to the Federal Communications Commission’s (the “Commission”) Notice of Proposed Rulemaking in the above captioned proceeding.¹

I. ALIGNING BUILDOUT AND SPACE STATION MILESTONE REQUIREMENTS SERVES THE PUBLIC INTEREST

OneWeb supports the Commission’s proposal to align the buildout requirements for gateway earth stations with associated space station buildout requirements.² Linking the buildout requirements for earth stations and space stations sensibly ensures substantial investment capital will not be stranded for long periods of time and eliminates inefficiencies resulting from the current misalignment of buildout requirements.

Under current Commission rules, non-geostationary, fixed-satellite service (“NGSO FSS”) satellite system operators are required to launch and operate at least 50 percent of the maximum number of authorized space stations six years after the Commission’s license grant.³ However, the buildout requirements for earth stations require them to be constructed and placed in operation

¹ *Further Streamlining Part 25 Rules Governing Satellite Services*, Notice of Proposed Rulemaking, IB Dkt. No. 18-314, FCC 18-165 (rel. Nov. 15, 2018) (“NPRM”).

² *See id.* at ¶ 16.

³ *See* 47 C.F.R. § 25.164(b)(1).

within twelve months from the date of the license grant.⁴ There is no rational policy basis for this distinction. As NGSO FSS systems authorized in the current processing rounds—such as OneWeb—prepare to initiate service, this discrepancy between buildout requirements for the space versus the ground component creates unnecessary burdens that serve no policy objective.

Consider an NGSO FSS operator with U.S. market access or a Commission license and pending earth station applications. While the operator would have up to six years to satisfy the milestone for its space stations, approval of any of its earth station applications require construction and operation within twelve months under the current regime. This creates a significant time and operational disparity between the relative milestone compliance deadlines for the earth and space station components of the NGSO FSS system. Aligning the ground station and space station buildout requirements for NGSO FSS operators will provide efficiencies and facilitate a more sensible regulatory framework.

Adoption of the Commission’s buildout alignment proposal will also reduce the amount of potentially stranded investment created by the current rules. The construction and operation of gateway earth stations necessarily requires significant capital outlays by satellite operators. The current buildout requirements, as the Commission has noted, could result in such an investment “remain[ing] unused for as long as four years.”⁵ During this “fallow” period for ground station investments, the costs of maintaining and securing the constructed earth station while a satellite operator waits for its associated space stations to become operational would continue to accrue, unnecessarily wasting critical capital. This result would effectively penalize NGSO FSS operators

⁴ See 47 C.F.R. § 25.133(a)(1).

⁵ NPRM at ¶ 16.

for making early investments in the ground component of their networks. As the Commission has recognized, this is obviously an illogical regulatory framework.⁶ The Commission's proposal outlined in the NPRM will eliminate the possibility of such an unintended outcome and OneWeb fully supports its adoption.

II. THE COMMISSION SHOULD EXTEND THE UNIFIED LICENSE FRAMEWORK TO NGSO FSS OPERATORS

A. There is No Compelling Reason to Treat GSO and NGSO Systems Differently When Implementing a Unified Licensing Regime

OneWeb supports the Commission's sound proposal to create a comprehensive, unified satellite network license. Currently, the Commission requires separate applications for space stations and earth stations, which creates redundancies.⁷ To eliminate these inefficiencies, the Commission proposes to adopt an optional licensing structure that results in a single network license for FSS space stations and earth stations.⁸ OneWeb supports the Commission's proposed adoption of the single network license framework.

However, the Commission fails to justify why this unified licensing regime should initially be limited to only geostationary-satellite orbit, fixed-satellite service ("GSO FSS") operations. The Commission appears to rely on the fact that it "has adopted standard power limits on both uplink and downlink transmissions and has a well-defined sharing environment and licensing regime" in bands authorized for GSO operations.⁹ There is no principled reason why this justification does not equally support application of the unified licensing regime to

⁶ *See id.*

⁷ *See* 47 C.F.R. § 25.114, 25.115; NPRM at ¶ 4.

⁸ NPRM at ¶ 6.

⁹ *See id.* at ¶ 9.

NGSO FSS operations as well. To the contrary, applicable power limits on transmissions and the contours of the spectrum sharing environment are present in bands authorized for NGSO FSS operations and well-understood by NGSO FSS operators, both in the United States and internationally.

The Commission does not need to look back further than its 2017 NGSO Report and Order for evidence that the NGSO FSS environment is no less suited to unified licensing than the GSO FSS environment.¹⁰ The NGSO Report and Order implemented the adoption of applicable ITU power flux-density and equivalent power flux-density (“EPFD”) limitations on NGSO FSS operations.¹¹ Additionally, prior to the commencement of operations, NGSO FSS operators must certify their compliance with the applicable Article 22 EPFD limits.¹² The Commission has therefore adopted internationally-recognized standards on power limits in bands used by NGSO FSS operators, much as it has in the GSO FSS bands discussed in the NPRM.¹³ Similarly, the NGSO Report and Order also prescribed NGSO FSS spectrum sharing rules, mandating inter-operator coordination and the avoidance of in-line interference mechanism to govern spectrum sharing during in-line interference events.¹⁴

¹⁰ See generally *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 Report & Order”).

¹¹ See *id.* at ¶¶ 30, 35.

¹² See *id.* at ¶ 41.

¹³ See NPRM at ¶ 9.

¹⁴ NGSO Report & Order at ¶ 49; 47 C.F.R. § 25.261(c).

Therefore, the Commission has clearly developed applicable power limits and adopted a spectrum sharing rule for NGSO FSS operations. As these are the primary rationales given for extending a unified licensing regime to GSO FSS operators, there is no logical reason to refrain from extending this unified licensing to NGSO FSS operators. OneWeb supports the adoption of the unified licensing structure and strongly encourages the Commission to extend its application to NGSO FSS operations.

B. A Single Network License File Would Be the Least Burdensome Way to Address Terrestrial Coordination Issues Under the Proposed Unified Licensing Regime

The Commission's proposed single satellite network license represents the most efficient method of addressing coordination between earth stations and satellites. For operators of both earth stations and space stations, the Commission's proposal will eliminate duplicative licensing requirements and allow more efficient coordination within a single network. As the Commission notes, presently "earth station applicants are required to submit information that duplicates, and indeed is more burdensome than, the technical information provided by satellite operators in space station applications."¹⁵ In addition, earth station licensees are responsible for terrestrial coordination efforts, regardless of whether the licensee is under the same ownership as the satellite operator. A single network license will allow satellite providers to configure their networks of satellites, earth stations, and user terminals in the least burdensome manner and pass on these network and cost efficiencies to U.S. consumers.

¹⁵ NPRM at ¶ 6.

III. REMOVING OUTDATED PART 25 RULES FURTHERS THE PUBLIC INTEREST BY PROMOTING ADMINISTRATIVE EFFICIENCY

A. The Annual Reporting and Out of Band Emissions Rules Are No Longer Necessary

OneWeb supports the Commission's proposal to remove the annual reporting requirements currently found in Section 25.170.¹⁶ At present, the Commission requires satellite operators to file an annual report detailing any authorized satellites or spectrum unavailable for service and an annual report on the construction progress of replacement satellites.¹⁷ These requirements are duplicative and place needless administrative burdens on satellite operators. Moreover, these reporting requirements evidently provide little benefit to Commission staff or the public. For example, the Commission has conceded that "staff do not make regular use of many of these reports."¹⁸ Thus, OneWeb strongly supports the repeal of Section 25.170 and the removal of the annual reporting requirements.

The out of band emissions rules contained in 25.202(f) are no longer necessary, and OneWeb supports the Commission's proposal to update the rule. As the Commission notes, the rules are "outdated and have led to confusion."¹⁹ Given the "misinterpretations" and lack of clarity of the present rule, OneWeb supports the elimination of the current out-of-band emissions rule.²⁰

¹⁶ See 47 C.F.R. § 25.170; NPRM at ¶ 17.

¹⁷ See 47 C.F.R. § 25.170.

¹⁸ NPRM at ¶ 17.

¹⁹ *Id.* at ¶ 18.

²⁰ *Id.* at ¶ 18.

B. Permitting Certain Minor Modifications to Blanket Licensed Earth Stations Without Notification to the Commission Will Facilitate the Expedited Provision of Innovative Services

OneWeb supports the Commission's proposal to streamline minor earth station changes that do not impact other service providers. The Commission proposes to eliminate the current ex post notification process for minor modifications to licensed earth stations, and permit operators to make modifications that do not increase interference to others without notification to the Commission at all.²¹ Adoption of the proposal will reduce administrative burdens, decrease costs, and increase efficiency of operations. As such, OneWeb supports the Commission's proposal to remove the notification requirement.

C. Automatic Acceptance of Certain Satellite Applications Serves the Public Interest by Eliminating Unnecessary Review Processes

OneWeb supports the proposal to automatically accept certain satellite applications for filing after a specified time period. Currently, satellite applicants must wait for acceptance of filing to be announced in a Public Notice, a process that can take an indeterminate amount of time. The Commission has invited comment on a proposal by EchoStar that applications be accepted for filing automatically within a certain time period after filing, unless otherwise determined by the Commission.²² OneWeb supports the adoption of EchoStar's proposal. Automatic acceptance for filing after a specified time frame would provide greater certainty to applicants without compromising the ability of the public and other stakeholders to comment on the application. This would streamline the Commission's existing review process and facilitate the more expeditious processing of applications, which ultimately benefits consumers.

²¹ See *id.* at ¶ 22-23.

²² See Comments of EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC, IB Dkt. No. 16-131, at 6 (filed Dec. 5, 2016).

IV. CONCLUSION

OneWeb generally supports the proposed steps the Commission has outlined in this NPRM to further streamline the regulatory framework contained in Part 25 of the Commission's rules. OneWeb strongly agrees with the Commission's proposal to align buildout requirements for earth stations and space stations and also supports the Commission's efforts to remove outdated regulatory requirements from Part 25 of the Commission's rules. OneWeb also agrees with the Commission that a single network license is a sensible and efficient proposal. OneWeb urges the Commission to extend this proposal to NGSO FSS systems. The Commission should also adopt its proposals to ease the process of minor modifications to blanket licensed earth stations and to begin automatic acceptance of certain satellite applications.

Respectfully submitted,

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