

April 1, 2019

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Expanding Flexible Use of the 3.7 to 4.2 GHz Band
GN Docket No. 18-122
***Ex Parte* Filing Notice**

Dear Ms. Dortch,

I am counsel to PSSI Global, L.L.C. (“PSSI Global”) in connection with matters related to GN Docket No. 18-122 (the “C-band Proceeding”). Pursuant to Section 1.1206(b)(2) of the Commission’s Rules¹, I am filing a copy of a letter dated April 1, 2019, from Mr. Robert C. Lamb, CEO of PSSI Global, to Will Adams, Legal Advisor to Commissioner Brendan Carr.

The letter supplements the presentation regarding the C-band Proceeding made by PSSI Global on February 19, 2019, which was previously reported, and responds to certain questions raised by Mr. Adams during that meeting.

Pursuant to Section 1.1206(b)(2) of the Rules, an electronic copy of this letter is being filed in the above-referenced docket, with a copy to Mr. Adams. Please direct any questions regarding this filing to me at stephen.diaz.gavin@rimonlaw.com or at 202-871-3772.

Respectfully submitted,



Stephen Díaz Gavin

Attachment

cc: Mr. Will Adams

¹ 47 CFR § 1.1206



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Mr. Will Adams
Legal Adviser to Commissioner Brendan Carr
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Adams,

We greatly appreciate the opportunity to meet with you on February 19 to discuss the impact of C-band spectrum allocation on transportable users. We are writing in response to your question as to how our special class of users can be protected and reimbursed for the inevitable loss of the existing C-band spectrum available for our currently licensed use.

As we explained, PSSI Global Services (<http://www.pssiglobal.com>) is the nation's largest provider of transportable satellite uplink/production services. PSSI and similar uplink/production providers are a special class of satellite users that are often characterized as "occasional" users. The "occasional users" designation describes non-fixed ('occasional' or transportable) network uplink/downlink providers that have licensed earth stations without assigned fixed latitude and longitude locations. It is important to note that PSSI's "occasional use" involves, in fact, an average of more than 150 C-band transmission days per month – or greater than 5 transmission services per day – of multiple hours of C-band transponder use.

Our 70+ C-Band and Ku-Band mobile uplink trucks transmit live coverage of most major U.S. sporting events (Super Bowl, World Series, NBA Championships, Final Four, etc.) for most sports league services (NBA, NFL, NASCAR, PGA, MLB, MLS, NCAA, etc.) and entertainment events such as popular award shows (Academy Awards, Grammys, Emmys, etc.) for most broadcast and cable networks such as (CBS, ABC/ESPN, Comcast/NBC, Golf Channel, Turner, Showtime, WWE, etc.). PSSI's satellite uplink trucks are all multiple path, multiple format capable. PSSI will be recognized on April 7, 2019 with a Technical and Engineering Emmy from the National Academy of Television Arts and Sciences for providing 28 paths in C-band from one uplink truck for NASCAR at Daytona in 2018.

PSSI supports the C-Band Alliance (CBA) proposal, provided that spectrum users such as PSSI be included and represented by type as integral members of the C-Band Transition Facilitation Team proposed by the CBA. Fixed network users, such as those from broadcast, cable, religious, and corporate networks, as well as non-fixed ('occasional' or transportable) network uplink/downlink provision users, such as PSSI Global Services, should all be represented on the Transition Facilitation Team. This transition facilitation oversight, with participation by the users, is imperative. To that end, if the CBA proposal or something similar is adopted by the Commission, we urge that the Report and Order and rules adopted specify the representation of users on the Transition Facilitation Team.

We anticipate that fixed network users can be accommodated in the CBA plan through a combination of 150m radius earth station setbacks and 40km guidelines for flexible use licensees, as well as additional new band-pass filtering for each earth station. However, as good as these measures might be for FSS facilities, the existence of transportable users is especially threatened because there is no known way to protect them and their "occasional use" needs (with no fixed latitude and longitude) from in-band and out-of-band interference. PSSI's engineers are continuing to review the CBA's proposal regarding filters and will be meeting soon with representatives of the CBA to determine if this problem is as dire as it appears, or if it can possibly be overcome.



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Not only will there be no protection by the CBA for the occasional (transportable) users at their non-fixed locations, there will also be less and less occasional use bandwidth available in direct proportion to the amount of C-band spectrum set aside for 5G. As the bandwidth allocated for 5G increases beyond 100MHz, every additional Megahertz allocated for 5G results in exponentially worse (less) spectrum availability for the occasional user. Moreover, the reduced amount of available transponder frequencies will limit the number that can possibly be cleared through required RFI frequency coordination for use at any given location. In addition, there is no mechanism to prevent the satellite carriers from selling off 'occasional' use transponders for full-time use, further reducing the availability of transponder space and leading to increased service costs.

Whichever method of spectrum reallocation is chosen, it is clear that considerable, though reasonable, compensation must be made by the Mobile Companies to the carriers and affected users of the bandwidth who are most likely to be adversely affected, and put out of business, by this action. Because the C-band transition costs can only be estimated, and the business losses may never be known, it is reasonable to propose a percentage be identified for compensation to this special user type. A suggested proposal is as follows:

Gross spectrum acquisition revenues
< (less) Actual approved fixed location/full-time user transition costs >
= Gross Net spectrum acquisition revenues
< (less) TBD % of Gross Net balance to compensate licensed occasional users for losses
= Net Balance for CBA Reimbursement

Only existing FCC-licensed and operational transportable user companies in the C-band should be eligible for re-allocation compensation. Each of these licensed companies is presently mandated to order, pay, and adhere to a certified RFI frequency coordination study for every location from which they plan to operate, and each survey is valid for a 6-month period. Under Part 25 of the Commission's Rules, C-band (uplink) service operations cannot be provided without previously completing an RFI study and adhering to available transponder clearances for transmission. Therefore, a review of all licensed and certified RFI studies performed over the course of the most current two-year period is an accurate indication of the total number of C-band transportable occasional users operating in the United States.

Only the companies that order an RFI study within the recommended two (2) year review period should be eligible and acknowledged as affected C-band spectrum users in this category. Further submission and review of these eligible company's operational service days from all given RFI studied locations will clearly identify the total amount of spectrum days utilized over the applicable period. In this way, the total number of substantiated, licensed days utilized per affected C-band user can be determined, and each company's portion of the whole would determine its ultimate percentage of compensation for loss of spectrum use.

PSSI's proposal is intended to provide guidelines that are fair, objective and reasonable for all parties. Please let us know if you have any questions, and if we can be helpful in this process in any way.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert C. Lamb".

Robert C. Lamb
CEO, Manager
PSSI Global Services, LLC