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

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| In the Matter of | ) | |
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| Further Streamlining Part 25 Rules Governing Satellite Services | ) | IB Docket No. 18-314 |
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**REPLY COMMENTS OF VIASAT, INC.**

Viasat, Inc. ("Viasat") submits this reply to comments filed in connection with the Commission's Notice of Proposed Rulemaking proposing to adopt a streamlined process for authorizing geostationary fixed-satellite service ("GSO FSS") networks, and to repeal or modify certain Part 25 rules governing satellite services.[1]

The record in this proceeding overwhelmingly favors the Commission's efforts to streamline space station and earth station licensing rules, making procedures more efficient for the Commission, as well as for applicants and licensees. The opening round comments support an optional unified satellite network authorization procedure to be available for all GSO and NGSO FSS networks. Consistent with a unified network authorization, earth station and space station buildout deadlines should be aligned, and the record supports allowing authorized earth stations to be deployed within one year after the space station milestone date. Viasat agrees with commenters who explain that a 30-day time limit on the Commission's processing of satellite applications as accepted for filing is unnecessary. Satellite operators unanimously support the elimination of the requirements to file satellite annual reports and notifications of certain earth station minor modifications, and consensus exists that the out-of-band emission ("OOBE")

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[1] *Further Streamlining Part 25 Rules Governing Satellite Services*, IB Docket No. 18-314, Notice of Proposed Rulemaking, FCC 18-165 (rel. Nov. 15, 2018) ("*Notice*").

standard in the ITU Recommendation ITU-R SM.1541-6 should be incorporated into the Commission's rules. There is no need to modify the OOBE limits in Section 25.202(f) to specify the existing protections for radio astronomy observations and EESS operations.

Viasat supports Intelsat's proposals regarding clarifications or updates to clerical and ministerial procedures and to update the Form 312. Viasat also agrees that earth station renewals should be allowed to be filed on or before the license expiration date, and that satellite applicants be permitted to include frequency bands not allocated internationally for such operations. However, Viasat opposes Intelsat's proposal to revise the GSO station-keeping box and replace it with the less-stringent ITU east-west station-keeping requirements, because doing so could have a material impact on the current two-degree spacing environment, and make it more difficult to deploy new spacecraft at adjacent orbital locations. In addition, Viasat urges the Commission to reject Intelsat's proposal to apply bond requirements to earth stations.

## I. BROAD SUPPORT EXISTS FOR A UNIFIED AUTHORIZATION OF SATELLITE NETWORKS THAT ALIGNS BUILDOUT REQUIREMENTS FOR SPACE AND EARTH STATIONS WITHIN THE NETWORK

Like Viasat, the commenters in this proceeding strongly support the establishment of a framework that would allow space stations and corresponding earth stations to be authorized, together as a network, in a single unified authorization.[2] Commenters agree that offering an optional procedure to seek a unified satellite network authorization would provide flexibility and simplify licensing processes for both the Commission and applicants, by eliminating the need for separate space station and earth station filings with redundant information.[3] Satellite operators

[2] *See* Maxar Comments at 4-5; SES/O3b Comments at 1-2; OneWeb Comments at 3; Eutelsat Comments at 2; EchoStar Comments at 3; Intelsat Comments at 3.

[3] *See, e.g.*, EchoStar Comments at 3; Eutelsat Comments at 2; OneWeb Comments at 3; SES/O3b Comments at 2; Maxar Comments at 5.

reinforce Viasat's request to extend the framework to market access requests for non-U.S. satellite networks,[4] and more broadly to networks operating across any frequency bands authorized for FSS.[5] These commenters echo Viasat's concern that limiting the streamlined processing procedures to U.S.-licensed systems, operating only in portions of the Ku and Ka bands that are subject to the Commission's standard power limits for a two-degree spaced environment, would negate the benefits of a unified authorization framework.[6] Maxar, SES/O3b and OneWeb urge the Commission to extend the unified authorization proposal to NGSO FSS systems.[7] Viasat agrees that the efficiencies of the streamlined authorization framework would apply equally to NGSO systems.

In addition, commenters agree that buildout deadlines for earth stations should be aligned with the space station milestone period, such that there is a single deadline for commencing operations of the space station and earth stations in the network.[8] In its comments, Viasat urged that authorizations include an additional one-year period beyond the satellite milestone date for bringing earth stations within the network into operation. EchoStar similarly proposes that blanket-licensed earth stations authorized within a unified license be subject to a buildout deadline that is one year after the milestone date of the satellite.[9] While Viasat's proposal would extend this flexibility to all earth stations in the network, not just blanket-licensed earth stations,

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[4] *See* SES/O3b Comments at 4; Eutelsat Comments at 2.

[5] *See* Maxar Comments at 4; SES/O3b Comments at 3;

[6] *See* EchoStar Comments at 4; SES/O3b Comments at 2.

[7] *See* Maxar Comments at 4; SES/O3b Comments at 1-2; OneWeb Comments at 3-4.

[8] *See* Maxar Comments at 4; SES/O3b Comments at 4-5; EchoStar Comments at 4-5.

[9] EchoStar Comments at 5-6.

both proposals seek the adoption of earth station buildout requirements that reflect the practical realities of network deployment.

Further, Intelsat expresses concern that aligning earth station and space station buildout deadlines would create a potential to "sit on an earth station license," and thus proposes that the Commission impose a bond requirement on earth stations, either by extending the space station bond to cover earth station buildout, or to establish a separate bond requirement.[10] There is no valid basis for Intelsat's request. Intelsat has not even suggested that such an issue exists today under current rules that provide one year to deploy an earth station, without posting a bond. Intelsat's proposal would lead to a dichotomy under which individually-licensed earth stations *would not* be subject to a bond, but earth stations authorized under a unified space/earth station license would.

## II. SATELLITE APPLICATION PROCESSING PROCEDURES CAN BE REFINED WHILE STILL PREVENTING POTENTIAL ABUSES

In its comments, Viasat proposed that the Commission allow an applicant in a satellite application processing queue or a processing round to correct "foot-faults" and other minor deficiencies without losing its place in the processing line.[11] Establishing a clear standard for "substantially complete" satellite applications would alleviate the concerns of Intelsat, SES and O3b that applicants could game the Commission's processes by filing a significantly deficient and substantially incomplete application as a placeholder, and subsequently curing those material defects.[12] Viasat agrees that allowing an applicant to correct *any* errors or deficiencies in an

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[10] Intelsat Comments at 4-5. Contrary to what Intelsat suggests, the numerical limits in Section 25.136 do not apply to earth stations deployed on a secondary basis.

[11] Viasat Comments at 10.

[12] *See* SES/O3b Comments at 7; Intelsat Comments at 7.

application and still retain its place in a processing round or queue would not serve the public interest. To the extent the Commission establishes clear standards for substantially complete applications, allowing minor corrections or clarifications is consistent with the Commission's current practices.[13]

SES and O3b oppose EchoStar's proposal that satellite applications be deemed automatically accepted for filing within 30 days unless the Commission determines otherwise. Viasat agrees with SES and O3b that a 30-day time limit on the Commission to process an application as accepted for filing could unnecessarily constrain Commission staff from conducting thorough reviews of satellite applications, which typically contain large amounts of technical data and complex demonstrations of compatibility with other operations and compliance with the Commission's rules.[14] Further, the 30-day time limit would be rendered meaningless by any flexibility written into such a rule allowing the Commission to determine that it needs a longer period to review an application, which likely will be the case for many complex satellite applications. Therefore, such a rule is unnecessary.

## III. SATELLITE OPERATORS UNANIMOUSLY SUPPORT THE COMMISSION'S OTHER PROPOSALS IN THE *NOTICE*

Based on the unanimous support among commenters in this proceeding, Viasat urges the Commission to eliminate the satellite annual reporting requirement and the notice requirement for certain types of earth station minor modifications. The Commission also has a strong record to support its proposal to harmonize its OOBE limits with international standards.

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[13] *See* Iridium Comments at 4-5.

[14] *See* SES/O3b Comments at 8.

*Satellite Annual Reports*. All satellite operators in this proceeding support the elimination of the satellite annual reporting requirement in Section 25.170.[15] Moreover, EchoStar, Eutelsat and Maxar agree with Viasat that there is no need to maintain a requirement to confirm contact information annually,[16] because the Commission's rules already require operators to maintain accurate contact information on file and to update the Commission of any changes within 10 days.[17] Therefore, the burdens of maintaining an annual confirmation filing, even limited to contact information, are not justified. Viasat urges that IBFS, or any successor database, be designed to include a contact point easily identifiable in the satellite and/or earth station licensing records for this purpose.

*Notice of Earth Station Minor Modification*. Commenters also agree that the category of minor earth station modifications identified in Section 25.118(a)(4) of the current rules should not require a notice filing.[18] If the Commission adopts this proposal, there is no need to address Intelsat's request to clarify that Section 25.118(b) permits minor earth station modifications for equipment operating within emission and other authorized technical limits, without having to file a notification.[19] However, the Commission should not allow a simple notification to the Commission to modify existing license terms that could affect other parties. In this respect,

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[15] *See* Iridium Comments at 3; Maxar Comments at 2-3; SES/O3b Comments at 5; OneWeb Comments at 6; Eutelsat Comments at 3; EchoStar Comments at 6; CSSMA Comments at 2; Intelsat Comments at 2.

[16] *See* Maxar Comments at 3; Eutelsat Comments at 3; EchoStar Comments at 6.

[17] *See* 47 C.F.R. § 25.171.

[18] *See* CSSMA Comments at 4; EchoStar Comments at 8; Intelsat Comments at 2; Iridium Comments at 2-3; Maxar Comments at 3; SES/O3b Comments at 8-9; OneWeb Comments at 7.

[19] *See* Intelsat Comments at 8.

Viasat notes that EchoStar proposes that licenses be allowed to "secure interference protection" by providing mere notice of modified operating parameter.[20]

*Out-of-Band Emissions*. Satellite operators concur that the Commission should adopt the OOBE standard in Recommendation ITU-R SM.1541-6 and harmonize the Commission's rules with that international standard.[21] Viasat agrees with SES and O3b that relying on the international standard will "reduce confusion regarding out-of-band limits" that exists under Section 25.202(f) as currently written.[22] As the Commission noted in the *Notice*, the ITU standard provides more clarity and eliminates the ambiguity that the current rule presents.[23] Further, the ITU standard is comprehensive and includes limits for spurious emissions.[24] Therefore, separate spurious emission limits currently in Section 25.202(f)(3) do not need to be retained, as the Committee on Radio Frequencies ("CORF") suggests.[25]

CORF asks that the Commission incorporate specific standards and limits in Section 25.202(f) with respect to passive use of adjacent bands, even as it recognizes that the OOBE limits in the ITU recommendation serve as a "safety net."[26] As CORF notes, the protections for radio astronomy observations and EESS operations are already incorporated in footnotes to the

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[20] EchoStar Comments at 8.

[21] *See* CSSMA Comments at 2-3; Intelsat Comments at 2; SES/O3b Comments at 5; Eutelsat Comments at 3; EchoStar Comments at 6-7; CSSMA Comments at 2-3.

[22] SES/O3b Comments at 5.

[23] *See Notice* at ¶ 18.

[24] *See* ITU-R SM.1541-6, Annex 5.

[25] *See* CORF Comments at 12-13.

[26] *Id.* at 9.

International and U.S. Table of Frequency Allocations.[27] There is no need to incorporate duplicative requirements or references to such requirements in the general rule regarding OOBE.

## IV. VIASAT SUPPORTS CERTAIN INTELSAT PROPOSALS BUT OTHERS MAY REQUIRE FURTHER CONSIDERATION

Intelsat makes a number of discrete proposals that it characterizes as being "in the spirit" of the Commission's Part 25 streamlining proposals in the *Notice*. Viasat addresses here certain Intelsat proposals that consist of ministerial simplifications or clarifications, earth station renewal requirements, applications for frequencies that do not have an international allocation, and the 0.1º station-keeping requirement.

Viasat agrees with Intelsat proposals: (i) to consider changes to earth station antenna ID entries as non-substantive, clerical modifications that do not require any approval;[28] (ii) that Form 312 be updated to allow WGS84 coordinates, and to make the interface more user-friendly by allowing deletions and simplifying data entry;[29] and (iii) to eliminate the requirement to keep an original paper copy of an electronically filed application.[30] Each of these proposals would simplify and streamline application preparation. More generally, as the Commission reworks the Form 312 to accommodate unified authorizations, Viasat urges the Commission to consider modifications that would increase the efficiency and usability of the interface and functions.

In addition, Intelsat proposes to change the current 60-day earth station renewal window, which starts 90 days and ends 30 days in advance of the license expiration date, and allow filing

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[27] *See id.* at 9-11.

[28] *See* Intelsat Comments at 8.

[29] *See id.*

[30] *See id.* at 9; *see also* 47 C.F.R. § 25.110(e).

within one year before the license expiration date.[31] Viasat agrees that earth station renewal applications should be due as of the date of expiration of the license, consistent with renewal requirements for wireless licenses.[32] The rule for wireless licenses also provides for a 90-day filing window. Viasat urges the Commission to extend the 60-day renewal filing window to at least 90 days, but it is unclear whether a one-year window is necessary.

Viasat disagrees with Intelsat's proposal to remove emission designators from earth station licenses and require applicants instead to identify only the carrier bandwidth.[33] Emission designators provide important information—such as modulation and the modulating data within the carrier—which operators frequently reference to determine compatibility and facilitate coordination. Requiring applicants to identify emission designators also is consistent with international licensing requirements. Therefore, Viasat recommends that earth station emission designators continue to be identified in applications and licenses.

Viasat supports the flexibility sought in Intelsat's proposal to eliminate the requirement that satellite applications be dismissed if they request authority to operate in frequency bands that are not allocated internationally for the proposed services.[34] Amending Section 25.112 to allow the Commission to consider such applications on a case-by-case basis would provide flexibility to promote greater innovation and efficient spectrum use.

Finally, Viasat opposes Intelsat's proposal to revise the 0.1º station-keeping box in Section 25.210(j) and replace it with the less-stringent ITU east-west station-keeping

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[31] Intelsat Comments at 8.

[32] *See* 47 C.F.R. § 1.949(a).

[33] *See* Intelsat Comments at 8.

[34] *See id.* at 9; 47 C.F.R. § 25.112(a)(3).

requirements.[35] As a threshold matter, this proposal could have a material impact on the current two-degree spacing environment, and make it more difficult to deploy new spacecraft at adjacent orbital locations. Moreover, loosening the east-west station-keeping requirements creates possible "stacking" issues in portions of the GSO orbital arc where multiple spacecraft are deployed at a given nominal latitude.

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For these reasons and those in Viasat's comments, Viasat respectfully requests that the Commission adopt a variety of proposals to streamline satellite and earth station licensing. Doing so would create efficiencies and reduce processing burdens for both Commission staff and applicants. However, there is no need to incorporate any redundant protections for passive services in the OOBE rules. Viasat also urges the Commission to reject proposals by Intelsat to institute a bond requirement for earth stations and to revise the 0.1º station-keeping box.

Respectfully submitted,

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[35] *See* Intelsat Comments at 9.