

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of the Commission's Policies and)	IB Docket No. 06-160
Rules for Processing Applications in the)	
Direct Broadcast Satellite Service)	

REPLY COMMENTS OF SES AMERICOM, INC. AND ITS AFFILIATES

SES Americom, Inc. and its affiliates (collectively, “SES”) submit this reply to the comments of other parties in response to the Second Notice of Proposed Rulemaking in the above-captioned proceeding, which seeks input on revisions to the regulatory framework for direct broadcast satellite (“DBS”) service.¹ As discussed herein, in order to encourage more intensive use of DBS spectrum, the Commission should not only align the application and licensing rules for DBS with those for geostationary orbit (“GSO”) fixed-satellite service (“FSS”) operations, but also authorize GSO FSS use of DBS downlink frequencies on a protected basis. Requests for radical changes in the rules applicable to Multichannel Video Distribution and Data Service (“MVDDS”) cannot be reconciled with existing and evolving satellite use of DBS spectrum and must be rejected.

¹ *Amendment of the Commission's Policies and Rules for Processing Applications in the Direct Broadcast Satellite Service*, Second Notice of Proposed Rulemaking, FCC 18-157 (rel. Nov. 13, 2018) (“Notice”). SES entities operate two DBS satellites authorized to serve the U.S. market: the Canadian-licensed Ciel-2 spacecraft at 128.85° W.L. and the Mexican-licensed QuetzSat-1 spacecraft at 77° W.L.

I. COMMENTERS SUPPORT EXTENDING APPLICATION PROCESSING, BOND, MILESTONE, AND LICENSE TERM RULES TO DBS

Proposals in the Notice to apply the GSO FSS licensing framework to DBS² receive support in the record from SES³ and other parties with DBS operations.⁴ Once the updated rules are in effect, the Commission should lift the DBS application freeze.⁵

II. EXPANDING COMPATIBLE SATELLITE USE OF DBS FREQUENCIES IS CONSISTENT WITH THE OBJECTIVES OF THE NOTICE

The Notice explains that the Commission’s purpose in updating the DBS rules is to foster “increased use of spectrum and orbital resources, while seeking to protect existing consumers of satellite television from harmful interference to their service.”⁶ The SES Comments suggest additional action the Commission can take to achieve that goal, by authorizing FSS utilization of the 12.2-12.7 GHz band (“12 GHz band”) used for DBS downlinks.⁷ SES and other satellite operators are already using the 12 GHz band for FSS on a non-conforming basis,⁸ and granting FSS protected status in these frequencies is consistent with international allocations and would serve the public interest by helping meet demand for additional FSS downlink spectrum.⁹

² See *id.* at ¶¶ 7-19.

³ Comments of SES Americom, Inc. and its Affiliates, IB Docket No. 06-160, filed Mar. 25, 2019 (“SES Comments”) at 1-2. Unless otherwise indicated, all citations herein are to comments filed on March 25, 2019 in IB Docket No. 06-160.

⁴ See AT&T Comments at 8-9 (supporting extension of DBS license terms); EchoStar Satellite Operating Corporation and DISH Network L.L.C. (“EchoStar”) Comments at 3-5 (supporting use of the first-come, first-served filing approach for DBS systems), 6 (supporting extension of DBS license terms).

⁵ SES Comments at 2.

⁶ Notice at ¶ 1.

⁷ SES Comments at 2-6.

⁸ See *id.* at 3 & n.9 (providing examples of FSS authorizations in the 12 GHz band).

⁹ *Id.* at 4-5 & n.12.

In particular, as the SES Comments observe, authorizing FSS use of these frequencies “would greatly increase the number of orbital locations from which 12 GHz services could be provided, as FSS networks can operate compatibly at two-degree spacing, rather than the nine-degree spacing used for DBS space stations.”¹⁰ Even if the Commission adopts its proposal to continue to apply conservative International Telecommunication Union (“ITU”) criteria to protect existing DBS operations,¹¹ the Commission should allow FSS use at or near the vacant U.S. DBS plan assignments in the western portion of the arc (148° W.L., 157° W.L., 166° W.L., and 175° W.L.) without regard to whether the FSS use would “affect” the DBS assignment.¹² For example, SES has recently requested that the NSS-6 satellite, which has downlink frequencies in the 12 GHz band, be authorized to serve the U.S. once the satellite is repositioned to 169.5° W.L.¹³ By making clear that interference protection rights do not apply to unoccupied DBS locations, the Commission will facilitate use of NSS-6 and other FSS spacecraft to introduce new services to U.S. consumers.

III. CHANGES TO THE MVDDS RULES ARE UNJUSTIFIED

The Commission must reject MVDDS interests’ requests for changes to MVDDS operating requirements that are blatantly inconsistent with current and future satellite use of the 12 GHz band. The MVDDS parties’ comments simply reiterate arguments made in a pending

¹⁰ *Id.* at 5.

¹¹ *See* Notice at ¶ 29.

¹² The Commission should also reject AT&T’s argument that new satellite applicants should be required to coordinate with existing DBS operators within six degrees whether or not the ITU threshold is exceeded. *See* AT&T Comments at 7. The scenario imagined by AT&T, in which an applicant proposes a low-powered system in order to gain coordination leverage, is highly speculative, and does not justify imposing an even greater burden on prospective new satellite entrants.

¹³ *See* New Skies Satellites B.V., Call Sign S3048, File No. SAT-PPL-20190403-00022.

petition for rulemaking seeking removal of limitations on MVDDS operating authority designed to ensure protection of satellite networks.¹⁴ SES and other satellite interests have highlighted the flaws in the analysis on which the MVDDS Petition relies,¹⁵ and the current comments do nothing to correct these defects. As just one example, MVDDS interests have admitted that their proposed two-way, mobile terrestrial networks could not share the 12 GHz band with non-geostationary orbit (“NGSO”) satellite operations “without severe operational constraints on MVDDS, NGSO FSS, or both services.”¹⁶ Yet MVDDS licensee MDS/RS Access asserts that “freeing up MVDDS for two-way, 5G use is feasible without harming other 12 GHz band licensees,” citing the same study that concluded that MVDDS was incompatible with NGSO systems,¹⁷ a number of which have been licensed to use the 12 GHz frequencies and are well on the way to deploying their systems.¹⁸

EchoStar’s suggestion that new aggregate interference limits are necessary to protect MVDDS systems from satellite operations must also be rejected, as EchoStar provides no technical analysis to support its claims that such measures are needed.¹⁹ More importantly, most

¹⁴ See, e.g., MDS Operations, Inc. and RS Access, LLC (“MDS/RS Access”) Comments at 4 & n.16, *citing* Petition of MVDDS 5G Coalition for Rulemaking, RM-11768 (filed Apr. 26, 2016) (“MVDDS Petition”); MVDDS 5G Coalition Comments at 2 & n.4.

¹⁵ See, e.g., Opposition of SES, RM-11768, filed June 8, 2016; Reply of SES, RM-11768, filed June 23, 2016; Statement of AT&T Opposing Petition for Rulemaking, RM-11768, filed June 8, 2016; Opposition of Intelsat, RM-11768, filed June 3, 2016; Opposition of WorldVu Satellites Limited, RM-11768, filed June 8, 2016; Space Exploration Technologies Corporation Opposition to Petition for Rulemaking, RM-11768, filed June 8, 2016.

¹⁶ Comments of the MVDDS 5G Coalition, RM-11768, filed June 8, 2016, Attachment I at 35.

¹⁷ MDS/RS Access Comments at 4 & n.17.

¹⁸ See, e.g., Caleb Henry, “OneWeb’s first six satellites in orbit following Soyuz launch,” Space News, Feb. 27, 2019, available at: <https://spacenews.com/first-six-oneweb-satellites-launch-on-soyuz-rocket/>.

¹⁹ EchoStar Comments at 11.

MVDDS licensees have not built out their systems,²⁰ and the Commission should not constrain DBS and FSS satellite system operations in order to protect theoretical future MVDDS services.

IV. CONCLUSION

For the foregoing reasons and those set forth in the SES Comments, SES supports making DBS subject to GSO FSS rules, urges the Commission to authorize protected FSS use of the 12 GHz band; and opposes changes to MVDDS operating constraints.

Respectfully submitted,

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²⁰ MDS/RS Access Comments at 3 (“[t]o date, only one MVDDS licensee – MDS Operations – has provided service”).