

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of

Amendment of Parts 2 and 25 of the  
Commission's Rules to Facilitate the Use of  
Earth Stations in Motion Communicating with  
Geostationary Orbit Space Stations in Frequency  
Bands Allocated to the Fixed Satellite Service

IB Docket No. 17-95

**REPLY COMMENTS OF IRIDIUM COMMUNICATIONS, INC.**

The *Further Notice* in this proceeding sought comment on a single issue: whether in “frequency bands” where fixed-location “GSO FSS” earth stations “can be blanket-licensed,” the Commission should also permit blanket licensing of GSO FSS earth stations in motion (“ESIMs”).<sup>1</sup> Nevertheless, from the bleachers behind left field, Boeing asks the Commission to consider allowing GSO and NGSO FSS ESIMs in the 19.4-19.6 GHz band, where the Ka-band plan and U.S. Table of Frequency Allocations prohibit *any* earth station—fixed, mobile, individually-licensed, or blanket-licensed—from communicating with an FSS system.<sup>2</sup>

The Commission must decline Boeing's out-of-left-field request. This proceeding has nothing to do with NGSO FSS licensing, and while the Commission may have sought to expand the *types* of terminals that GSO FSS operators can permissibly deploy, it never proposed to

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<sup>1</sup> *Amendment of Parts 2 & 25 of the Commission's Rules to Facilitate the Use of Earth Stations in Motion Communicating with Geostationary Orbit Space Stations in Frequency Bands Allocated to the Fixed Satellite Service*, Report and Order and Further Notice of Proposed Rulemaking, 33 FCC Rcd. 9327, 9355 ¶ 91 (2018) (“*Further Notice*”). We use the terms “GSO,” “NGSO,” “MSS,” and “FSS” as they are defined in the Commission's rules. See 47 C.F.R. § 25.103.

<sup>2</sup> See Comments of The Boeing Company at 6, IB Docket No. 17-95 (filed Apr. 8, 2019) (“Boeing Comments”).

expand the spectrum available to FSS systems in the first place. In addition to exceeding the boundaries established by the *Further Notice*, Boeing’s proposal is a terrible idea. The Commission just determined that satellite use of the 19.4-19.6 GHz band should remain limited to NGSO MSS feeder downlinks—and Boeing provides no reason for the Commission to depart from such recently decided precedent.

## **I. BOEING’S PROPOSAL EXCEEDS THE SCOPE OF THE RULEMAKING.**

Boeing asks the Commission to give “consideration . . . to opening the 19.4-19.6 GHz band to both GSO and NGSO FSS systems, including those operating with ESIMs, on a secondary basis with respect to MSS FSS feeder links in these frequencies.”<sup>3</sup> Considering Boeing’s request, however, would be procedurally impermissible, as it would upend the Ka-band plan and the U.S. Table of Frequency Allocations in ways the *Further Notice* did not propose and no commenter reasonably could have anticipated.

The *Further Notice* proposed to allow GSO FSS ESIMs in spectrum where GSO FSS operators may currently operate and may apply under existing rules for blanket licensing of fixed terminals.<sup>4</sup> The 19.4-19.6 GHz band, however, is not such spectrum. As just revised by the Commission in the *NGSO FSS Report and Order*,<sup>5</sup> the Ka-band plan, U.S. Table of Frequency Allocations, and Part 25 licensing rules do not permit the blanket-licensing of GSO FSS fixed

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<sup>3</sup> *Id.*

<sup>4</sup> *Further Notice* ¶ 91 (“We seek comment on allowing ESIMs to operate in all of the frequency bands in which earth stations at fixed locations operating in GSO FSS satellite networks can be blanket-licensed[.]”).

<sup>5</sup> *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, 7815 ¶ 18 n.40, 20 (2017) (“*NGSO FSS Report and Order*”).

terminals in the 19.4-19.6 GHz band. Rather, they limit satellite use of the band to NGSO MSS feeder links, and thus prohibit GSO FSS systems from operating in the band altogether.<sup>6</sup>

Boeing fares even worse in asking the Commission to consider allowing *NGSO* FSS ESIMs in the 19.4-19.6 GHz band. In the *Further Notice*, the Commission explicitly rejected a request that it “propose rules for ESIM operations communicating with NGSO FSS systems,” noting that any such a proposal would be issued “in a separate NPRM.”<sup>7</sup> Moreover, even if rules permitting NGSO FSS ESIM operations *were* within the ambit of this rulemaking, no commenter could have anticipated that they might be adopted *in the 19.4-19.6 GHz band*. As explained, satellite use of that spectrum is limited to NGSO MSS feeder links alone, meaning that communications with NGSO FSS space stations are strictly prohibited—whether the receiving terminal is fixed in location or in motion.<sup>8</sup>

Thus, while the Commission proposed to expand the *types* of terminals that GSO FSS operators are allowed to deploy, it never even hinted that it would reopen the Ka-band plan and revise the U.S. Table of Frequency Allocations to provide both GSO and NGSO FSS systems with additional spectrum. Accordingly, the Commission should reject Boeing’s request as beyond the scope of the current rulemaking.

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<sup>6</sup> See 47 C.F.R. § 2.106 n.NG166; *NGSO FSS Report and Order* at Appendix B; 47 C.F.R. § 25.115 (identifying bands where blanket licensing is permitted).

<sup>7</sup> *Further Notice* ¶ 90. The Commission subsequently adopted an NPRM that proposed rules for the operation of NGSO FSS ESIMs. There, too, Boeing attempted to coopt the proceeding with an out-of-scope effort to relitigate the Ka-band plan. See Reply Comments of Iridium, IB Docket No. 18-315 (filed Mar. 13, 2019) (“Iridium NGSO ESIMs Reply Comments”).

<sup>8</sup> Indeed, for this very reason, the Commission expressly declined to propose NGSO ESIMs in the 19.4-19.6 GHz band in the separate proceeding that *does* concern NGSO FSS ESIMs. See *generally* Iridium NGSO ESIMs Reply Comments.

## II. THE COMMISSION HAS ALREADY DECIDED THIS ISSUE.

Boeing's proposal must also be rejected on the merits. In its recent proceeding concerning NGSO FSS operations in the Ka- and Ku-bands, the Commission declined repeatedly to "allow greater FSS use" of the 19.4-19.6 GHz band.<sup>9</sup> When it first issued its NGSO FSS proposal, the Commission explicitly stated that it would not consider expanding FSS use of the 19.4-19.6 GHz band because of Iridium's vital NGSO MSS feeder-link operations in that spectrum.<sup>10</sup> Moreover, after a few commenters ignored those statements and asked the Commission to permit FSS operations throughout the NGSO MSS feeder-link bands, the Commission rejected their requests in the *NGSO FSS Report and Order*<sup>11</sup>—and declined, once again, to seek comment on the matter in an accompanying further notice.<sup>12</sup>

Nothing has changed since the Commission last decided the issue—and Boeing makes no effort to explain why it believes the Commission should reverse itself.<sup>13</sup> Nor does Boeing meaningfully address the feasibility of the sharing it proposes. Accordingly, the Commission should decline to revisit its prior and correct decision to prohibit expanded FSS use of the NGSO MSS feeder-link bands.

## CONCLUSION

The Commission should reject Boeing's unsupported request to permit GSO and NGSO FSS ESIMs in the 19.4-19.6 GHz band. Considering Boeing's request would be procedurally

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<sup>9</sup> *NGSO FSS Report and Order* ¶ 18 & n.40, ¶ 73.

<sup>10</sup> *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Notice of Proposed Rulemaking, 31 FCC Rcd. 13,651, 13,654-55 ¶¶ 7-8 (2016).

<sup>11</sup> *NGSO FSS Report and Order* ¶ 18 & n.40.

<sup>12</sup> *Id.* ¶ 20.

<sup>13</sup> Boeing Comments at 6.

impermissible, and Boeing fails to justify a wholesale re-litigation of matters that the Commission so recently decided.

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May 8, 2019

Respectfully submitted,

A handwritten signature in black ink that reads "SCOTT HARRIS". The signature is stylized with a large, sweeping "S" and a distinct "H".

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