

May 8, 2018

VIA ELECTRONIC FILING

Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: *Public Notice DA 18-398 on Earth Stations in the 3.7-4.2 GHz Band*
GN Docket Nos. 17-183 & 18-122

Dear Ms. Dortch:

Intelsat License LCC (“Intelsat”) and SES Americom, Inc. (“SES”) are the premier 3.7-4.2 GHz Fixed Satellite Service (“FSS”) operators, delivering video and audio programming enjoyed by tens of millions of Americans, supplying essential communications to rural consumers, facilitating rapid restoration of communication services during emergencies, and supporting operations of military and civilian government agencies that are critical to the public interest. Intelsat, SES and Intel Corporation have put forth a joint, market-based proposal to make spectrum in the 3.7-4.2 GHz band available for mobile broadband use while protecting these important FSS operations.

On April 19, 2018, the Commission issued a Public Notice that, among other things, provided for a 90-day window to file applications for earth stations currently operating in the 3.7-4.2 GHz band and waived the requirement that a coordination report be submitted in support of such applications.¹ The American Cable Association (“ACA”) has asked the Commission to clarify certain statements in the Public Notice regarding the treatment of operators of receive-only earth stations that may seek to take advantage of this filing window.² The language changes requested in the ACA Letter would specify that receive earth stations registered during the 90-day window pursuant to the coordination report waiver would be accorded the same status as earth stations licensed or registered prior to issuance of the Public Notice.

Intelsat and SES endorse the three clarifications outlined by ACA, which will serve the public interest. Specifically, Intelsat and SES support defining the scope of interference protection as follows: “Receive-only earth stations registered during the 90-day window will receive the same treatment as those registered prior to April 19, 2018, regardless of whether their registration is accompanied by a frequency coordination report.” Similarly, Intelsat and SES agree with ACA’s requested clarification that “registration does not afford interference protection from FS

¹ *Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7-4.2 GHz Band, 90-Day Window to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band*, Public Notice, DA 18-398 (Apr. 19, 2018) (“Public Notice”).

² *Ex Parte Letter from the American Cable Association (“ACA”) to Marlene H. Dortch, Secretary, Federal Communications Commission*, GN Docket Nos. 17-183, 18-122 (Apr. 30, 2018) (“ACA Letter”).

transmissions by *existing* FS licensees.” (Emphasis added.) Intelsat and SES also support ACA’s request for confirmation that any future FCC requirement to provide a costly coordination report will not apply to receive-only earth stations registered during the 90-day window pursuant to the coordination waiver set forth in the Public Notice.

Intelsat and SES share the ACA’s concern that the language of the Public Notice may deter many earth station operators from registering their facilities during the 90-day window. Moreover, Intelsat and SES agree with the ACA that modifying the language of the Public Notice as requested will not disadvantage any other authorized user of the 3.7-4.2 GHz frequencies. In particular, since a receive only earth station is incapable of causing interference, the submission of a coordination report is not needed to protect the providers of any future services the Commission might authorize in the 3.7-4.2 GHz band.³ These clarifications are one step the agency can take to promote registration of 3.7-4.2 GHz receive-only earth stations band.

That said, the record before the Commission in these dockets makes clear that, consistent with the current regulatory framework, thousands or even tens of thousands of receive earth stations in the 3.7-4.2 GHz band operate today on an unregistered basis, and as a result, the Commission lacks information about the number and locations of these facilities.⁴ Several parties have observed that the cost of the registration process – including the requirement to obtain a coordination report and the application filing fee – have historically represented a significant obstacle to receive-only earth station registration.⁵

The waiver of the coordination report requirement removes one element of the registration cost, but operators will still need to pay the applicable Commission registration fee as well as incur the administrative costs associated with completing registration applications, and these amounts will be substantial for operators of large earth station networks. Both Intelsat and SES have heard from customers concerned that under the terms of the Public Notice, the financial and personnel costs of registering their earth stations still outweigh the potential benefits. Indeed, the Office of Management Budget (“OMB”) estimates FCC Form 312 can take as much as 24 hours to complete.⁶ For content companies with thousands of unregistered earth stations scattered across the country, the burden of registering these sites within 90 days is, by OMB’s own estimate, impossible.

Therefore, to meet the goals of “preserv[ing] the current landscape of authorized operations in the 3.7-4.2 GHz band” and gaining “more accurate information about existing earth stations,” Intelsat and SES encourage the Commission to take additional steps to boost registration incentives, including being open to relaxing the FCC Form 312 information requirements and associated filing fees. As a first step, Intelsat and SES ask the Commission to issue a revised Public Notice reflecting the changes proposed in the ACA Letter.

³ ACA Letter at 3.

⁴ See, e.g., Comments of the American Cable Association, GN Docket No. 17-183, filed Oct. 2, 2017 at 4 n.6 (the “vast majority of currently operational receive-only earth stations are not and never have been registered with the Commission”); Reply Comments of the Satellite Industry Association, GN Docket No. 17-183, filed Nov. 15, 2017 (“SIA Reply Comments”) at 14-16.

⁵ See, e.g., SIA Reply Comments at 30-32.

⁶ See FCC Form 312 and Instructions, at 3, available at <https://bit.ly/2rye5su>.

Please address any questions regarding this filing to the undersigned.

Respectfully submitted,

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