

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

In the Matter of

SES Americom, Inc.

Petition for Rulemaking for Amendment of Parts 2  
and 25 of the Commission's Rules to Enable  
Primary Fixed-Satellite Service (Space-to-Earth)  
Operations in the 17.3-17.7 GHz Band

RM No. 11839

**RESPONSE TO PETITION FOR RULEMAKING**

**I. INTRODUCTION**

AT&T Services, Inc., on behalf of DIRECTV Enterprises LLC ("DIRECTV") and its other affiliates (collectively, "AT&T"), hereby submits this Response to the above-captioned Petition for Rulemaking (the "Petition") filed by SES Americom, Inc. ("SES"). In the Petition, SES requests that the Federal Communications Commission ("FCC" or "Commission") initiate a rulemaking to amend Parts 2 and 25 of its rules to authorize fixed-satellite service ("FSS") operations in the space-to-Earth direction using the 17.3-17.7 GHz frequencies (the "17 GHz Band") on a protected basis.<sup>1</sup>

As one of the nation's largest multichannel video programming distributors and the largest direct broadcast satellite ("DBS") service provider, AT&T has a substantial interest in the 17 GHz Band. DIRECTV utilizes both 17 GHz BSS downlinks and 17 GHz DBS uplinks and

---

<sup>1</sup> Currently, the 17 GHz Band is allocated for FSS, but only in the uplink direction and only for use by broadcasting-satellite service ("BSS") feeder links.

has made significant investments in its satellite network and related ground infrastructure. The 17 GHz Band is critical to the services DIRECTV provides to its more than 19.2 million subscribers, including rural and remote-area dwellers. Thus, AT&T urges the Commission, in any rulemaking proceeding it undertakes as a result of the Petition, to be guided by dual Hippocratic goals: do no harm and protect incumbent users of the band.

SES's proposal to allow FSS downlink operations in the 17 GHz Band on a co-primary basis raises a host of issues for incumbent DBS and BSS operators, some of which are outlined below. These issues, along with others, should be considered by the Commission if it decides to initiate a rulemaking proceeding. Indeed, any rulemaking must be carefully tailored to allow the Commission and interested parties to fully consider and evaluate SES's proposals and their potential impact on current and future DBS and BSS operators.

## **II. THE PETITION RAISES COMPLEX TECHNICAL ISSUES THAT SHOULD BE CAREFULLY CONSIDERED IN ANY RULEMAKING PROCEEDING**

The Petition raises numerous technical questions and concerns that could adversely impact incumbent DBS and BSS operators and that should be thought through and analyzed carefully. Among the issues that a rulemaking proceeding would need to consider is the impact of new, co-primary FSS operations in the 17 GHz Band on the future expansion of DBS uplinks. This question is particularly important in the context of the current, long-standing freeze on requests for new DBS systems that the Commission has proposed lifting in the ongoing DBS modernization proceeding.<sup>2</sup> If the freeze is lifted, the Commission will begin accepting new

---

<sup>2</sup> See *In re 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 at para. 33 (rel. Nov. 13, 2018).

applications for DBS licenses after a to-be-specified date.<sup>3</sup> Because DBS feeder uplinks are the primary service allocated to the 17.3-17.8 GHz frequencies in the United States, any rulemaking proceeding must consider the timing of introducing new FSS downlink operations in the band. For example, the Commission should consider—and seek comment on—the impact of allowing applicants to submit applications for, or commence, new primary uses of the 17 GHz Band vis-à-vis the window for submitting new DBS license applications.

Relatedly, any rulemaking should examine whether the introduction of FSS downlinks in the 17 GHz Band could constrain future modifications of existing BSS services. For example, even if an FSS system’s signal strength were low enough so as not to cause harmful interference to an adjacent BSS service, the FSS system could be so susceptible to interference that the adjacent DBS operator would essentially be prohibited from making any changes to its existing system because doing so could cause harmful interference to the co-primary FSS system. Such “reverse interference” is far less likely to occur between BSS systems, which are more likely to operate using similar signal and coverage characteristics.

Any rulemaking that results from the Petition should also seek comment on the impact of SES’s proposal on associated bands. For example, 24.75 – 25.25 GHz uplinks—which are already available for FSS—are associated with 17 GHz downlinks. Similarly, how should requests by domestic applicants or foreign operators seeking access to the U.S. market in the 24/17 GHz bands for FSS downlink operations that are proximate to or co-located with U.S. BSS licensees be coordinated to ensure compatibility?

---

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

Additionally, the rulemaking should make clear that use of the 17 GHz Band for FSS downlinks does not extend to earth stations in motion or non-geostationary orbit satellites. Such uses would require comprehensive studies to evaluate if spectrum could be shared without risking harmful interference to BSS or DBS operations.

### III. CONCLUSION

To the extent that the Commission initiates a rulemaking proceeding to consider the authorization of FSS downlink operations in the 17 GHz Band, the Commission should carefully consider and minimize the potential impact of such operations on incumbent BSS and DBS operators. As one of the nation's largest DBS providers, AT&T looks forward to working with the Commission to develop appropriate rules and safeguards.

Respectfully submitted,

AT&amp;T Services, Inc.

By: \_\_\_\_\_ /s/  
Jessica B. Lyons  
AT&T Services, Inc.  
1120 20<sup>th</sup> Street NW, Suite 1000  
Washington, DC 20036

Dated: May 31, 2019

**Certificate of Service**

I, Jessica B. Lyons, do hereby certify that I have on this 31st day of May 2019 caused a copy of the foregoing “Response to Petition for Rulemaking” to be served by First Class U.S. Mail, postage prepaid, upon the following:

Petra A. Vorwig  
Senior Legal & Regulatory Counsel  
SES Americom, Inc.  
1129 20<sup>th</sup> Street, N.W.  
Suite 1000  
Washington, D.C. 20036

Karis A. Hastings  
SatCom Law LLC  
1317 F Street, N.W.  
Suite 400  
Washington, D.C. 20004  
*Of Counsel*

\_\_\_\_\_  
/s/  
Jessica B. Lyons