

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

In the Matter of	)	
	)	
Expanding Flexible Use of the 3.7 to 4.2	)	GN Docket No. 18-122
GHz Band	)	

**OPPOSITION TO PETITIONS FOR RECONSIDERATION**

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**OPPOSITION TO PETITIONS FOR RECONSIDERATION**

CTIA submits this opposition to the petitions for reconsideration and/or clarification filed in response to the *C-band Order*, which reallocates 280 megahertz of the 3.7-4.2 GHz band for the new 3.7 GHz Service and establishes a transition process to relocate existing satellite operations to the upper portion of the band.<sup>1</sup>

**I. INTRODUCTION AND SUMMARY.**

The importance of rapidly opening mid-band spectrum to unleash the next generation of innovation in wireless, meet our nation’s ever-growing need for ubiquitous connectivity, and maintain the United States’ global leadership in wireless cannot be overstated.<sup>2</sup> The C-band “is the next critical step in advancing American leadership in 5G,” and the *C-band Order* sets forth an aggressive timeline to repurpose the 280 megahertz from 3.7-3.98 GHz.<sup>3</sup> As Chairman Pai explained, getting the C-band right will deliver “faster and more reliable wireless broadband

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<sup>1</sup> *Expanding Flexible Use of the 3.7-4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343 (2020) (“*C-band Order*”).

<sup>2</sup> *See, e.g., id.* at 2346 ¶ 5 (“[W]e expect mid-band spectrum to play a prime role in next-generation wireless services, including 5G.”).

<sup>3</sup> *Id.* at 2345 ¶ 4.

connectivity for consumers” and result in “the creation of millions of jobs, billions of dollars in investment, and stronger economic growth.”<sup>4</sup>

The Commission should dismiss or deny the petitions. Several reargue issues that the *C-band Order* fully addressed, and they should be dismissed for this reason alone.<sup>5</sup> As the Commission reiterated just ten days ago, “[p]ursuant to Commission policy, petitions for reconsideration are not to be used merely to reargue points previously advanced and rejected.”<sup>6</sup> And in any event, the petitions’ arguments fail on the merits. Ultimately, if granted, some petitions would backtrack or delay the transition or extinguish ongoing, productive multi-stakeholder efforts to consider technical issues as directed by the *C-band Order*. And some would remove needed flexibility built into the C-band transition framework. In particular:

- The Aviation Petition<sup>7</sup> and the Charter Petition<sup>8</sup> repeat arguments the Commission has rejected, and seek to undermine the ongoing technical work that the *C-band Order* explicitly carved out for the Technical Working Group, which is up and running;

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<sup>4</sup> Statement of Chairman Ajit Pai, Hearing on the Oversight of the FCC Spectrum Auctions Program, Fiscal Year 2021 Before the Subcommittee on Financial Services and General Government, at 4 (June 16, 2020), <https://docs.fcc.gov/public/attachments/DOC-364949A1.pdf>.

<sup>5</sup> See 47 C.F.R. § 1.429(1)(3) (petitions for reconsideration may be dismissed or denied that “[r]ely on arguments that have been fully considered and rejected by the Commission within the same proceeding”).

<sup>6</sup> *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standards*, Second Report and Order and Order on Reconsideration, FCC 20-72, ¶ 38 n.115 (rel. June 16, 2020) (citing *M&M Communications, Inc.*, Memorandum Opinion and Order, 2 FCC Rcd 5100, 5100 ¶ 7 (1987) and 47 C.F.R. § 1.429(1)(3)).

<sup>7</sup> Petition For Partial Reconsideration of the Aerospace Industries Association, Aerospace Vehicle Systems Institute, Air Line Pilots Association International, Airbus, Aviation Spectrum Resources, Inc., Garmin International, Inc., General Aviation Manufacturers Association, Helicopter Association International, Honeywell International, Inc., International Air Transport Association, and the National Air Transportation Association (collectively the “Aviation Petitioners”), GN Docket No. 18-122 (filed May 26, 2020) (“Aviation Petition”).

<sup>8</sup> Petition For Reconsideration of Charter Communications, Inc., GN Docket No. 18-122 (filed May 26, 2020) (“Charter Petition”).

- The Eutelsat Petition<sup>9</sup> seeks to unnecessarily interject the Commission into the established Relocation Payment Clearinghouse process and would cause needless delays in the transition process;
- The International Telecommunications Satellite Organization (“ITSO”) Petition<sup>10</sup> seeks to leverage this reconsideration proceeding, citing speculative harms, to address unrelated issues and to gain access to the accelerated relocation funds;
- The Raytheon Petition<sup>11</sup> involves questions about reimbursement for relocation costs that may not exist, and in any event, that would be premature for the Commission to decide now; and
- The Intelsat Petition<sup>12</sup> seeks to unnecessarily undo decisions in the *C-band Order* and makes additional requests that would introduce uncertainty in the transition process and upset the expectations of prospective 3.7 GHz Service operators.

All should be either dismissed or denied, and the Commission should continue to move forward with its path to auctioning this critical swath of spectrum this year and transitioning it promptly. Chairman Pai emphasized just this week how important it is to make C-band spectrum available quickly—it means that “American consumers will be ahead of the curve in enjoying 5G services; American companies will get quicker access to this spectrum—one of the critical parts of the 5G airwaves ecosystem; and, America would be ahead of the curve compared to other countries that are looking to seize the advantage when it comes to 5G.”<sup>13</sup>

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<sup>9</sup> Petition For Expedited Reconsideration or Clarification of Eutelsat S.A., GN Docket No. 18-122 (filed May 26, 2020) (“Eutelsat Petition”).

<sup>10</sup> Petition for Clarification and/or Reconsideration of International Telecommunications Satellite Organization, GN Docket No. 18-122 (filed May 26, 2020) (“ITSO Petition”).

<sup>11</sup> Request For Clarification or, In The Alternative, Petition For Partial Reconsideration of Raytheon Technologies Corporation, GN Docket No. 18-122 (filed May 26, 2020) (“Raytheon Petition”).

<sup>12</sup> Petition For Reconsideration of Intelsat License, LLC, GN Docket No. 18-122 (filed May 26, 2020) (“Intelsat Petition”).

<sup>13</sup> See, Hearing on Oversight of FCC, Senate Commerce, Science, and Transportation Committee, at 1:11 (Jun. 24, 2020), <https://www.c-span.org/video/?473340-1/senate-hearing-oversight-fcc&vod>.

**II. THE AVIATION AND CHARTER PETITIONS SHOULD BE DISMISSED AS REPETITIVE AND IN ANY EVENT SHOULD BE DENIED BECAUSE THEY WOULD JETTISON THE MULTI-STAKEHOLDER PROCESS CREATED PURSUANT TO THE ORDER.**

Two petitioners, the Aviation Petitioners and Charter, call on the Commission to address specific technical issues despite the fact that the *C-band Order* encouraged stakeholders to establish a multi-stakeholder group to consider *these very issues*, among others, and that group, the Technical Working Group (“TWG”), is up and running. Charter and many of the Aviation Petitioners are actively participating in the TWG, and their petitions should be denied to allow this multi-stakeholder initiative to consider and, if appropriate, address these issues.

As an initial matter, the *C-band Order* addressed the concerns raised in the Aviation and Charter Petitions. With respect to concerns expressed by Aviation Petitioners regarding altimeter use in the 4.2-4.4 GHz band, the Commission reviewed the positions in the record and found that “the technical rules on power and emission limits we set for the 3.7 GHz Service and the spectral separation of 220 megahertz should offer all due protection to services in the 4.2-4.4 GHz band.”<sup>14</sup> And, with respect to the Charter Petition, which focuses on coexistence issues with the Citizens Broadband Radio Service (“CBRS”), the Commission found that “3.7 GHz Service operations above 3.7 GHz can coexist with operations below the band edge,”<sup>15</sup> noting that the flexibility inherent in CBRS equipment and “the advanced spectrum management capabilities” of the Spectrum Access System “should allow flexibility to access different channels in any location that might be near a higher-powered 3.7 GHz Service tower or make opportunistic use of different channels in different areas.”<sup>16</sup> Further, the *C-band Order* observed

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<sup>14</sup> *C-band Order*, 35 FCC Red at 2485 ¶ 395.

<sup>15</sup> *Id.* at 2486 ¶ 397.

<sup>16</sup> *Id.*

that “synchronization of two different carriers can be implemented using traditional 3GPP methods,” signaling there are ways for stakeholders to work together to address any concerns.<sup>17</sup>

Because both petitions restate claims and arguments that the *C-band Order* addressed, the Commission should dismiss them rather than expend resources to take up those same arguments again.<sup>18</sup> And in any event, neither petition offers valid grounds to alter the careful and thorough conclusions the Commission reached after evaluating the technical issues petitioners and others raised and determining that the rules are sufficient to protect CBRS operations and aircraft altimeters.

Moreover, the *C-band Order* encouraged stakeholders to develop a multi-stakeholder group to address “the complex coexistence issues in this band,”<sup>19</sup> including coexistence of 3.7 GHz Service operations with aeronautical radionavigation in the 4.2-4.4 GHz band and CBRS operations below 3.7 GHz.<sup>20</sup> The group is charged with “work[ing] cooperatively toward efficient technical solutions to these issues.”<sup>21</sup>

Soon after the *C-band Order* was adopted, stakeholders began organizing the TWG. The TWG now includes roughly 50 companies and organizations representing a comprehensive

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<sup>17</sup> *Id.*

<sup>18</sup> See 47 C.F.R. §1.429(1)(3); see, e.g., *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Second Order on Reconsideration, 30 FCC Rcd 6746, 6786 ¶ 88 & n. 337 (2015) (dismissing petitions and noting that “petitions for reconsideration that plainly do not warrant consideration may be dismissed, including those that rely on arguments that have been fully considered and rejected within the same proceeding”); *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services*, Order on Reconsideration, 29 FCC Rcd 7515, 7520 ¶ 11 (WTB 2014) (dismissing petition raising arguments that had already been fully considered).

<sup>19</sup> *C-band Order*, 35 FCC Rcd at 2467 ¶ 333.

<sup>20</sup> *Id.* at 2467 ¶ 333, 2485 ¶ 395.

<sup>21</sup> *Id.* at 2467 ¶ 333.

cross-section of interests.<sup>22</sup> The TWG is moving forward with four workstreams and areas of focus: #1—Terrestrial-Satellite Coexistence During and After the C-Band Transition; #2— Fixed Satellite Service Relocation; #3—5G/Aeronautical Coexistence; and #4—CBRS Coexistence. The scope of work in sub-working groups #3 and #4 encompass the issues raised in the Aviation and Charter Petitions. As noted, the *C-band Order* already addressed these coexistence issues, and it is unnecessary and inappropriate for the Commission to mandate additional rigid technical requirements, particularly when relevant stakeholders are actively working to further consider the coexistence environment. Given the Commission’s explicit interest in multi-stakeholder consideration of the coexistence issues raised in the petitions, the two petitions should be denied.<sup>23</sup>

**III. THE EUTELSAT PETITION SHOULD BE DENIED, AS RELOCATION COST PRINCIPLES ARE WELL ESTABLISHED AND AFFORD FLEXIBILITY TO ADDRESS SPECIFIC FACTUAL SCENARIOS, AND GRANT WOULD CAUSE TRANSITION DELAYS.**

The Commission should deny Eutelsat’s petition, as the *C-band Order*’s discussion of compensable reimbursement costs is clear and is consistent with Commission precedent, in contrast to Eutelsat’s claims. In addition, Eutelsat’s proposed third-party review of cost submissions is duplicative of the role of the Relocation Payment Clearinghouse (“Clearinghouse”) and will only result in delay of the transition.<sup>24</sup> Ultimately, the concerns

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<sup>22</sup> The TWG is made up of aviation interests, broadcasters and content programmers, cable providers, CBRS stakeholders and SAS providers, filter manufacturers, satellite operators, wireless equipment manufacturers, Wireless Internet Service Providers, and wireless service providers (nationwide, rural, and regional), among other entities and representative associations.

<sup>23</sup> Further, Charter’s assertion that a Commission mandate “is necessary to guard against incentives for uncompetitive behavior” is non-sensical. *See* Charter Petition at 1. The wireless industry has a long history of serving as good stewards of spectrum and being good neighbors, and there is no basis to conclude otherwise here. Moreover, current wireless providers may very well operate in both the C-band and CBRS spectrum, making market-driven technical solutions even more likely.

<sup>24</sup> Eutelsat Petition at 12-13.

Eutelsat raises seem driven more by intra-satellite industry rivalry than sound public policy. For CTIA and for the Commission, however, the foundation for a sound transition is reasonable cost recovery that is fair and fast—precisely what the Commission established in the *C-band Order*—and that applies the principles and standards set forth under the *Emerging Technologies* framework and refined over the years.

The *C-band Order* is direct and on the mark: “compensable relocation costs are only those that are reasonable and needed to transition *existing* operations in the contiguous United States out of the lower 300 megahertz of the C-band.”<sup>25</sup> Citing multiple proceedings in which the Commission established cost reimbursement frameworks, the *C-band Order* notes that “the Commission has consistently limited reimbursement to those costs directly tied to relocation.”<sup>26</sup> The same is true here. CTIA supports the Commission’s statements that “attempts to gold-plate” will not be tolerated, “[i]ncumbents will not receive more reimbursement than necessary,”<sup>27</sup> and “all relocation costs must be reasonable.”<sup>28</sup>

Further, the *C-band Order* directs stakeholders to establish an independent Clearinghouse “to prevent waste, fraud, and abuse with respect to reimbursement disbursements.”<sup>29</sup> As the Commission states: “the record and the Commission’s experience in managing other complicated transitions demonstrate that an independent Clearinghouse will ensure that the transition is

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<sup>25</sup> *C-band Order*, 35 FCC Rcd at 2426 ¶ 200.

<sup>26</sup> *Id.* at 2424 ¶ 196 n.526.

<sup>27</sup> *Id.* at 2423 ¶ 195.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 2447 ¶ 259.

administered in a fair, transparent manner, pursuant to narrowly-tailored Commission rules and subject to Commission oversight.”<sup>30</sup>

The Eutelsat Petition, however, seeks an up-front, micro-managed transition process that is out of step with the Commission’s long-standing relocation process.<sup>31</sup> It seeks further definition of terms such as “comparable facilities,” “reasonable,” and “necessary,”<sup>32</sup> but these terms are not novel concepts that stakeholders have been left to apply in a vacuum. Rather, stakeholders have applied them time and again as part of the Commission’s longstanding *Emerging Technologies* framework. And there is nothing in the Eutelsat Petition to suggest that any real ambiguity exists with respect to those terms in the C-band context. The Commission has created a framework with principles and flexibility to consider compensable relocation costs, and it should reject Eutelsat’s effort to deviate from it.

Further, to the extent that any specific factual scenario may raise questions about whether a particular cost is reimbursable, the Clearinghouse is appropriately tasked with evaluating and making decisions regarding those issues. And the *C-band Order* directs that the Wireless Telecommunications Bureau may “make further determinations related to reimbursement costs, as necessary, throughout the transition process.”<sup>33</sup> It is not possible, and there is no need, for the Commission to establish on reconsideration specifics that resolve every factual question that may arise under the reimbursement rules. Indeed, the entire purpose of creating principle-based cost

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<sup>30</sup> *Id.* (citation omitted).

<sup>31</sup> See generally Eutelsat Petition. See *C-band Order*, 35 FCC Rcd at 2391 ¶ 111 (noting that the transition “relies on the Commission’s *Emerging Technologies* framework, a framework the Commission has relied on since the early 1990s to facilitate the swift transition of spectrum from one use to another”).

<sup>32</sup> Eutelsat Petition at 3-4.

<sup>33</sup> *C-band Order*, 35 FCC Rcd at 2448 ¶ 262.

recovery standards and a neutral Clearinghouse to administer those policies is to provide flexibility to address factual situations that inevitably will arise without unduly bogging down the transition timeline.

Finally, Eutelsat calls on the Commission to set up a mechanism for third parties to challenge satellite operators' submitted costs or, at a minimum, to allow for "peer-oversight."<sup>34</sup> Again, this would undermine the role of the Clearinghouse and the process the *C-band Order* established.<sup>35</sup> Moreover, it would inevitably delay the transition. It may serve Eutelsat's interest vis-à-vis its competitors, but it will not serve the interests of a speedy and fair transition.

**IV. THE ITSO PETITION SHOULD BE DISMISSED AS RAISING CLAIMS THE ORDER FULLY ADDRESSED AND IN ANY EVENT SHOULD BE DENIED, AS ITS CLAIMS ARE SPECULATIVE AND ITS DEMAND FOR A SHARE OF ACCELERATED PAYMENTS IS UNFOUNDED.**

The Commission should deny the ITSO Petition, which seeks to leverage the reconsideration proceeding in the name of speculative harms and to gain access to the accelerated relocation funds.

As an initial matter, the Commission should dismiss the petition as it raises issues the Commission fully addressed in the *C-band Order*.<sup>36</sup> ITSO raises concerns that the C-band transition will undermine the "core principle" obligations set forth in the Public Services Agreement that Intelsat and ITSO entered into at the time of Intelsat's privatization, as well as

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<sup>34</sup> Eutelsat Petition at 13.

<sup>35</sup> CTIA notes that the Commission permits parties to appeal Clearinghouse decisions to the Commission. See *C-band Order*, 35 FCC Rcd at 2449 ¶ 268.

<sup>36</sup> 47 C.F.R. § 1.429(1)(3).

Common Heritage ITU frequency assignments.<sup>37</sup> But these are expressly unaffected by the *C-band Order*, as the Commission explained:

By ensuring the continuous and uninterrupted delivery of fixed satellite services currently offered in the band in the United States, our decision today avoids the ‘unnecessary disruption to existing licensed C-band satellite operations,’ of concern to [ITSO] . . . In addition, our decisions do not affect in any way the Common Heritage ITU frequency assignments, which continue to be as valid as they were before this Commission *Report and Order*.<sup>38</sup>

ITSO provides no evidence that would call into question the Commission’s conclusion on this matter, nor does it identify any specific examples of Intelsat’s failure to comply with these obligations. Instead, it merely states that the C-band transition “could” adversely affect Intelsat’s ability to adhere to these obligations, although it acknowledges the potential harms it cites are “not inevitable.”<sup>39</sup>

Further, the Commission has addressed—and dismissed—similar requests by ITSO in the past and should do the same here. In 2006, the Commission rejected concerns that ITSO raised during the Intelsat-PanAmSat transaction, noting that “ITSO has not substantiated for the record now before us that obligations set out in the Public Services Agreement between ITSO and Intelsat factually are at significant risk.”<sup>40</sup> The same holds true here. The Commission further noted that the Public Services Agreement is a contract under the laws of the District of Columbia, with enforcement subject to arbitration in the event ITSO finds any violations.<sup>41</sup>

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<sup>37</sup> ITSO Petition at 1.

<sup>38</sup> *C-band Order*, 35 FCC Rcd at 2359 ¶ 32 n.104.

<sup>39</sup> ITSO Petition at 5, 11.

<sup>40</sup> *Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC, and PEOP PAS, LLC, Transferors and Intelsat Holdings, Ltd., Transferee*, Memorandum Opinion and Order, 21 FCC Rcd 7368, 7401-02 ¶ 63 (2006).

<sup>41</sup> *Id.* at 7401 ¶ 62.

ITSO nonetheless asserts that “it is critical that ITSO be able to play a significant role in the oversight of Intelsat’s implementation of the transition,”<sup>42</sup> but ITSO’s role is limited to providing oversight of Intelsat’s compliance with the public service obligations.<sup>43</sup> ITSO identifies no authority to expand ITSO’s oversight authority over Intelsat to matters specifically concerning the C-band transition.

Finally, there is no basis in the *C-band Order* for ITSO’s argument that “some portion” of the accelerated payments should be “made available for the benefit of the ITSO Parties.”<sup>44</sup> ITSO hold no domestic authorizations and provides no service in the C-band. And ITSO offers no legal theory under which it or any ITSO parties should be entitled to these or any other payments associated with the C-band transition. In light of the foregoing, the ITSO Petition should be denied.

**V. RAYTHEON’S REQUEST SEEKS RESOLUTION OF AN ISSUE THAT MAY NOT EXIST AND, AT BEST, IS PREMATURE GIVEN THE MULTIPLE OPTIONS TO ACCOMMODATE ITS ONGOING USE.**

Raytheon seeks reimbursement for relocation costs in the event it needs to move its earth station operations to the Ka-band, because the specific service it provides relies on a beacon transmitted just above 3.7 GHz on satellite SES-15 that will not be available in the 4.0-4.2 GHz band.<sup>45</sup> However, the *C-band Order*, citing Raytheon and its concerns, already recognized that

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<sup>42</sup> ITSO Petition at 13.

<sup>43</sup> *Applications of Intelsat LLC For Authority to Operate, and to Further Construct, Launch and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, Memorandum Opinion and Order, 16 FCC Rcd 12280, 12293 ¶ 41 (2001).

<sup>44</sup> ITSO Petition at 18. ITSO also argues that the Commission should clarify that certain “soft costs” recoverable from terrestrial licenses should include “the reasonable costs ITSO will incur in overseeing Intelsat during the transition to ensure that Intelsat can and will continue to adhere to the Core Principles.” *Id.* at 15-16. The Commission should dismiss this request as beyond the scope of the C-band transition.

<sup>45</sup> Raytheon Petition at 2.

earth stations that have “specific operational circumstances” in transitioning out of 3.7-4.0 GHz “may apply to receive reimbursement costs” for such purposes.<sup>46</sup> Given the specific reference to Raytheon, it can presume that the Clearinghouse will address its concerns appropriately. Raytheon’s request is either unnecessary or premature.

As an initial matter, Raytheon acknowledges that if the locations of its two earth stations are selected for consolidated Telemetry, Tracking, and Command (“TT&C”) operations, this issue is moot.<sup>47</sup> Based on recent filings, it appears that at a minimum one site (Brewster, WA) is likely to be selected as one of the TT&C sites.<sup>48</sup> But, other options exist as well. For example, Raytheon may be able to relocate its earth stations to other TT&C sites, rather than shift to Ka-band. The *C-band Order*’s lump sum election, moreover, is an additional option.<sup>49</sup> Ultimately, the *C-band Order* sets a cost recovery framework that the Clearinghouse is directed to implement. If issues arise under that framework, earth station operators have the ability to appeal, including up to the Commission.<sup>50</sup>

## **VI. THE COMMISSION SHOULD DENY INTELSAT’S MULTIPLE REQUESTS TO REVISE ELEMENTS OF THE *ORDER*.**

Intelsat and the four other eligible satellite operators all elected to participate in the accelerated relocation program last month,<sup>51</sup> but Intelsat is the only one to file a petition for reconsideration seeking to change the terms of the *C-band Order* and the transition rules. As the

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<sup>46</sup> *C-band Order*, 35 FCC Rcd at 2428 ¶ 204 n.548.

<sup>47</sup> Raytheon Petition at 2.

<sup>48</sup> See, e.g., SES Americom, Inc. Accelerated C-band Transition Implementation Plan, GN Docket No. 18-122 (filed June 19, 2020).

<sup>49</sup> *C-band Order*, 35 FCC Rcd at 2427 ¶ 202.

<sup>50</sup> *Id.* at 2449 ¶ 269.

<sup>51</sup> See *Wireless Telecommunications Bureau Announces Accelerated Clearing in the 3.7-4.2 GHz Band*, Public Notice, DA 20-578 (rel. June 1, 2020).

Commission is aware, the transition involves a demanding and tight schedule, and it should be wary of any requests that may delay clearing the 3.7-4.0 GHz band or disturb the value of the spectrum for 5G and other flexible-use services.

First, the Commission should reject Intelsat’s attempt to reopen the 3.7 GHz Service out-of-band emission (“OOBE”) limits,<sup>52</sup> which is unnecessary and would have a significant impact on 5G deployment across the nation if granted. The *C-band Order* examined the record evidence on power flux density (“PFD”) limits for 3.7 GHz Service operations and reached the finding that -124 dBW/m<sup>2</sup>/MHz would be appropriate to protect earth stations in the 4.0-4.2 GHz band.<sup>53</sup> Intelsat does not identify any parameters that the Commission failed to consider in its analysis, and makes no showing that the northeastern locations it references to underpin its request will require access to satellites at the extreme western end of the relevant U.S. orbital arc (at or near the 139° W orbital location). Intelsat’s concerns, moreover, can be readily considered in the Technical Working Group under sub-working group #1—Terrestrial-Satellite Coexistence During and After the C-Band Transition.<sup>54</sup>

Second, the Commission should reject Intelsat’s attempt to gain interference protection rights for international gateway operations in the 3.7-4.0 GHz band at TT&C sites.<sup>55</sup> The *C-band Order* examined the record evidence and concluded that international gateway and other operations could continue to operate at TT&C sites on an unprotected basis.<sup>56</sup> Intelsat does not identify new arguments or new material information in its petition that was not before the

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<sup>52</sup> Intelsat Petition at 11.

<sup>53</sup> *C-band Order*, 35 FCC Rcd at 2475 ¶ 361; 47 C.F.R. § 27.1423(a).

<sup>54</sup> *C-band Order*, 35 FCC Rcd at 2467 ¶ 333.

<sup>55</sup> Intelsat Petition at 20.

<sup>56</sup> *C-band Order*, 35 FCC Rcd at 2480 ¶ 375. The Commission also provided explicit direction that parties may negotiate agreements for longer operation. *Id.* at 2480 ¶ 376.

Commission when it adopted the *C-band Order*. Nor does it provide evidence that these operations cannot be moved to transponders transmitting in the 4.0-4.2 GHz band. The *C-band Order* makes the reasoned decision that extending interference protection to multiple operations “could effectively preclude terrestrial operations across a wide geographic area near each TT&C facility across the entire 3.7-4.0 GHz band.”<sup>57</sup> In particular, extending interference protections to these gateway earth station operations could expand an area’s protected contours and further reduce new 3.7 GHz Service operations. Similarly, the Commission should deny Intelsat’s request to postpone the date to consolidate the TT&C/Gateway sites until to December 5, 2023, unless such operations would be unprotected after December 5, 2021 and Intelsat demonstrates that the delay would not impact the overall transition.

Finally, there is no need to adopt COVID-19-specific relief.<sup>58</sup> In the *C-band Order*, the Commission already set forth a process for a satellite operator to seek a waiver related to any “delays that are beyond the control of the incumbent space station operators.”<sup>59</sup> The Commission can consider whether any delays related to COVID meet the requirements under the existing process, and need not adopt more specific relief.

## **VII. CONCLUSION.**

The Commission should dismiss or deny the six petitions for reconsideration in the C-band proceeding, as the issues raised were already addressed by the Commission or lack merit, and would undermine the carefully crafted transition schedule and related processes.

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<sup>57</sup> *Id.* at 2481 ¶ 380.

<sup>58</sup> Intelsat Petition at 22.

<sup>59</sup> *C-band Order*, 35 FCC Rcd at 2455 ¶ 294; 47 C.F.R. § 27.1412(b)(3).

Respectfully submitted,

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June 26, 2020

## **CERTIFICATE OF SERVICE**

I, Salina Estifanos, hereby certify under penalty of perjury that the foregoing Opposition to Petitions for Reconsideration was served this 26th day of June 2020, by depositing a true copy thereof with the United States Postal Service, first class postage pre-paid, addressed to:

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