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

In the Matter of	)	
	)	
Petition for Rulemaking to Permit MVDDS Use of the 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service	)	RM-11768
	)	
	)	
	)	

RESPONSE OF INTELSAT

Intelsat License LLC ("Intelsat") responds[1] to replies filed in the above-captioned MVDDS 5G Coalition ("Coalition") Petition for Rulemaking (the "Petition").[2] Intelsat supports the replies of both AT&T Services, Inc. ("AT&T") and SES S.A. ("SES")[3] scrutinizing the Coexistence Study appended to the Coalition's Comments ("Coalition Study").[4] As it said in its initial opposition,[5] Intelsat opposes the Coalition's request for the Federal Communications Commission ("FCC" or "Commission") to initiate a proceeding to change existing rules and spectrum allocations in the 12.2-12.7 GHz band.

---

[1] To the extent necessary, Intelsat requests Commission authorization to file this Response. This Response should be permissible because petitions for rulemaking are exempt proceedings under the Commission's *ex parte* rules. 47 C.F.R. § 1.1204(b)(2). However, Section 1.405(c) of the Commission's rules limits pleadings to statements and replies unless additional pleadings are requested or authorized by the Commission. 47 C.F.R. §§ 1.405(c); *see also* Consumer & Government Affairs Bureau, Public Notice Report No. 3042 (May 9, 2016) (requesting statements opposing or supporting the Petition pursuant to Section 1.405 of the Commission's rules). Consideration of Intelsat's Response will help ensure the Commission has a complete record and will pose no unreasonably delay.

[2] Petition of MVDDS 5G Coalition for Rulemaking (filed April 26, 2016) ("Petition").

[3] Reply Statement of AT&T Opposing Petition for Rulemaking (filed June 23, 2016) ("AT&T Reply"); Reply of SES (filed June 23, 2016) ("SES Reply").

[4] Comments of MVDDS 5G Coalition (filed June 8, 2016).

[5] Opposition of Intelsat (filed June 3, 2016) ("Intelsat Opposition").

The Coalition Study concluded that the proposed modified MVDDS operations would not be compatible with non-geostationary satellite orbit ("NGSO") fixed satellite service ("FSS") operations "without severe operational constraints on MVDDS, NGSO FSS, or both services."[6] As SES correctly observes: "that conclusion alone should be sufficient reason to reject the Petition."[7] This is because, as Intelsat and others previously noted, planned NGSO FSS systems will use 12.2-12.7 GHz spectrum in the near term.[8]

In its Reply Comments, the Coalition claims the rule changes it seeks "would not … lessen[]" the viability of NGSO systems.[9] Yet, the two announced Ku-band NGSO systems have been planned around use of the primary allocated 12 GHz spectrum at issue in this proceeding, including making and coordinating the requisite ITU filings.[10] The members of the Coalition—terrestrial system licensees—cannot seriously claim to know how to produce more "viable" NGSO systems[11] by usurping primary allocated spectrum in favor of a terrestrial service that cannot even share with the other primary Direct Broadcast Satellite ("DBS") service.

Intelsat further agrees with both SES and AT&T that the Coalition Study fails to show how its proposed new MVDDS operations could be compatible with incumbent DBS services. SES observes that two out of the three very specific use scenarios discussed in the Study showed some harmful interference, and the sole claimed interference-free instance apparently was in a

---

[6] Coalition Study at 35.

[7] SES Reply at 2.

[8] Intelsat Opposition at 4-5; Opposition of WorldVu Satellites Limited, *passim* (filed June 8, 2016).

[9] Reply Comments of the MVDDS 5G Coalition, 13 (filed June 23, 2016) ("Coalition Reply").

[10] *See* Space Exploration Technologies Corporation Opposition to Petition for Rulemaking (filed June 8, 2016) ("The Petition comes at precisely the wrong time, given the ongoing, active investment and technology developments in delivery of NGSO FSS service at 12.2-12.7 GHz.").

[11] *Cf.* Coalition Reply at 13.

rural area.[12] As SES rightly amplifies, the Coalition Study's other results "show numerous areas where the effective power flux density ("EPFD") limits adopted to protect DBS operations would be exceeded."[13] AT&T correctly concludes that the fact that the Coalition Study deems "it possible to construct a discrete hypothetical scenario in a particular geography" without causing interference to existing DBS receivers "simply fails to provide support for revisiting the current rules governing MVDDS licenses."[14] Simply put, success at a few test points does not warrant wholesale changes in the rules. This is particularly the case here, where millions of consumers—utilizing unregistered receive-only earth station terminals—rely exclusively on DBS for delivery of video programming.

In conclusion, the Commission should not revisit its earlier decision to prohibit MVDDS from providing two-way, mobile services. Similarly, the FCC should not alter the Table of Frequency Allocations, which already facilitates equitable shared use of the 12.2-12.7 GHz band by DBS, NGSO FSS and MVDDS. Intelsat thus urges the FCC to dismiss or deny the MVDDS Petition.

Respectfully submitted,

/s/ Susan H. Crandall

Susan H. Crandall
Associate General Counsel
Intelsat Corporation

June 29, 2016

---

12 SES Reply at 2.

13 *Id.*

14 AT&T Reply at 2.

CERTIFICATE OF SERVICE

I hereby certify on this 29th day of June, 2016, that a copy of the foregoing "Response of Intelsat" is being sent by first class, U.S. Mail, postage paid, to the following:

Tim Davies
Braunston Spectrum LLC
P.O. Box 783066
Wichita, KS 67278

Chad Winters
Cass Cable TV, Inc.
100 Redbud Road
Virginia, IL 62691

Alison Minea
DISH Network L.L.C.
SOUTH.COM LLC
9601 S. Meridian Boulevard
Englewood, CO 80112

Bobby Story
Story Communications, LLC
P.O. Box 130
Durant, OK 74702

Patrick McGuinn
Vision Broadband, LLC
145 East 49th Street
Hialeah, FL 33013

A. Wray Fitch III
MVD Number 53 Partners
6139 Franklin Park Road
McLean, VA 22101

David R. Charles
Satellite Receivers, Ltd.
1740 Cofrin Drive
Green Bay, WI 54302

Bruce Fox
GO LONG WIRELESS, LTD.
4832 Givens Court
Sarasota, FL 34242

Kirk Kirkpatrick
MDS Operations, Inc.
729 South Federal Highway, Suite 212
Stuart, FL 34994

Larry Saunders
WCS Communications, Inc.
3562 Knickerbocker Road
San Angelo, TX 76904

Steve B. Sharkey
John Hunter
Christopher Wieczorek
T-MOBILE USA, INC.
601 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20004

Russell H. Fox
Alyssia J. Bryant
Stephen J. Wang
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, DC 20004

Karis Hastings
SatCom Law, LLC
1129 20th Street, N.W.
Suite 1000
Washington, DC 20036

Petra A. Vorwig
SES S.A
1129 20th Street NW, Suite 1000
Washington, D.C. 20036

Michael Calabrese
Open Technology Institute at New America
740 Fifteenth Street NW – 9th Floor
Washington, DC 20005

Harold Feld
John Gasparini
Public Knowledge
1818 N Street, N.W., Suite 410
Washington, DC 20036

Steven K. Berry
Rebecca Murphy Thompson
Elizabeth Barket
Competitive Carriers Association
805 15th Street, N.W., Suite 401
Washington, DC 20005

John A. Howes, Jr.
Computer & Communications Industry Association
900 17th Street, N.W.
Suite 1100
Washington, DC 20006

Linda M. Hood
Gary L. Phillips
David L. Lawson
AT&T Services, Inc.
208 S. Akard Street
Dallas, TX 75202

Patricia Cooper
Space Exploration Technologies Corporation
1030 15th Street, NW
Washington, DC 20005

Kalpak S. Gude
WorldVu Satellites Limited
1400 Key Boulevard
Arlington, VA 22209

Kim Riddick

Kim Riddick