June 28, 2016

Satellite Industry Association - Spectrum Frontiers Proceeding

1. The FCC should provide co-primary status for 28 GHz band satellite services vis-à-vis terrestrial mobile, consistent with the twenty-year old 28 GHz band plan and the US table of frequency allocations. The Report and Order ("R&O") reportedly will provide FSS operations protection in certain cases, but this does not provide adequate protection because:

    - Satellite operators need co-primary status to promote effective coordination between UMFU and FSS and to ensure that neither service is an anticompetitive gatekeeper of the other's ability to provide service in the US.
    - Co-primary status for satellite earth stations, with suitable limitations on their deployment to enable robust UMFU deployment, could provide effective protection. Secondary status, which has a clear regulatory meaning in the US and internationally, goes beyond the FCC's purposes for this proceeding and provides insufficient certainty for satellite operations.
    - Space station receivers must be protected on a co-primary basis.

2. The FCC should address the aggregate interference issue in the FNPRM. The R&O reportedly notes that it is an issue to be monitored, but because it will reportedly also permit UMFU operations at dramatically higher power than proposed in the NPRM, the FCC must provide greater certainty about protections for FSS operations. Analyses by UMFU proponents are based on assumptions as to operational constraints that would limit potential for interference to satellites, but there is no indication that the FCC will require that UMFU stations observe such constraints.

3. The FCC should allow robust deployment of 37/39 GHz earth stations. Their receive-only nature does not affect 5G deployment. Under the reported current proposal to license UMFU systems by Partial Economic Areas there would be only 416 permitted sites. That is neither adequate nor appropriate.

4. 28 GHz earth station applications pending prior to the effective date of the R&O, should be eligible for the same level of protection as already-authorized earth stations. Additionally, because of the inability to change space station designs, new individually-licensed earth stations for communication with space stations already authorized or applied for by the pending report and order date should be granted additional flexibility in terms of deployment location.