



July 17, 2019

VIA ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Notice of Oral *Ex Parte* – Bidirectional Sharing Pursuant to Ray Baum’s Act, GN Docket No. 19-128

On July 15th, 2019, representatives of the Satellite Industry Association (“SIA”)¹ met with members of the International Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology to discuss the above referenced proceeding. SIA hereby submits the attached *ex parte* presentation, noting that any bidirectional sharing regime must be well thought-out and ensure incumbent commercial operators have protection from harmful interference and have access to adequate spectrum on a short-, medium- and long-term basis.

SIA emphasized that Federal users should be subject to the same requirements as commercial users, and the FCC should avoid putting extra burden on commercial users by

¹ SIA is a U.S.-based trade association providing representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers. Since its creation twenty years ago, SIA has advocated on behalf of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business. SIA Executive Members include: The Boeing Company; DIRECTV; EchoStar Corporation; Intelsat S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; Ligado Networks; Lockheed Martin Corporation; Northrop Grumman Corporation; OneWeb; SES Americom, Inc.; Space Exploration Technologies Corp.; SSL; and ViaSat, Inc. SIA Associate Members include: ABS US Corp.; Artel, LLC; COMSAT Inc.; DigitalGlobe Inc.; DRS Technologies, Inc.; Eutelsat America Corp.; Global Eagle Entertainment; Glowlink Communications Technology, Inc.; Hughes; iDirect Government Technologies; Inmarsat, Inc.; Kymeta Corporation; L-3 Electron Technologies, Inc.; O3b Limited; Panasonic Avionics Corporation; Planet Labs Inc.; TeleCommunication Systems, Inc.; Telesat Canada; TrustComm, Inc.; Ultisat, Inc.; and XTAR, LLC.

means of licensing delays or complexity. SIA expressed that commercial operators should be protected from harmful interference from federal operators, and that the spectrum should remain in the non-federal portion of the U.S. Table of Allocations. SIA noted that concerns with spectrum sharing with satellite systems are different than those of terrestrial systems, and should be explored on a band-by-band basis through NOIs. SIA additionally noted that in exploring bi-directional sharing, the Commission should also seek to coordinate with NTIA on the possibility of allowing commercial access to Federal-only spectrum.

Attending on behalf of SIA were: Therese Jones (SIA), Tom Stroup (SIA), Giselle Creeser (Intelsat), Joe Godles (Goldberg, Godles, Wiener & Wright LLP for Iridium), Kim Baum (EchoStar), Audrey Allison (Boeing), and Scott Kotler (Lockheed Martin).

Attending on behalf of the FCC were: Ira Keltz (OET), Aspasia Paroutsas (OET), Jamison Prime (OET), Jose Albuquerque (IB), Karl Kensinger (IB), C. Sean Spivey (WTB), Becky Schwartz (WTB), Matthew Pearl (WTB), Brian Butler (OET), and by phone Kathryn Medley (IB), and Paul Blais (IB).

Respectfully submitted,

SATELLITE INDUSTRY ASSOCIATION

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Bidirectional Sharing Pursuant to RAY BAUM's Act

The Satellite Industry Association² supports more efficient use of the spectrum resource, including through bidirectional sharing with Federal users. For bidirectional sharing to be successful, there must be a well thought-out and developed regime which ensures incumbent commercial operators have protection from harmful interference and have access to adequate spectrum on a short-, medium- and long-term basis.

- **Federal Users Operating in Commercial Bands Should be Subject to the Same Requirements as Commercial Users:** Federal users must be subject to the same rules as commercial operators, including those for public notice and comment and should not receive any preferential treatment.
- **Commercial Operators Should be Protected from Harmful Interference from Federal Users:** The Commission must have the authority to protect commercial operators that are operating pursuant to the Commission's rules from harmful interference.
- **Bi-Directional Sharing Should Not Impose Additional Burdens on Commercial Operators:** Any rules adopted for bi-directional sharing should not result in additional complexity or delay to licensing commercial operations or on the operations of their systems.
- **Non-Federal Spectrum Must Remain Non-Federal in the U.S. Table of Allocations:** Applicable NTIA rules and guidelines should be updated to reflect that federal use of commercial bands is subject to the applicable FCC rules for that band and service type.
- **The FCC Should Examine Frequency Bands Individually Through the NOI Process to Determine Appropriate Candidates for Bi-Directional Sharing:**

² The Satellite Industry Association ("SIA") is a U.S.-based trade association providing representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers. SIA Executive Members include: AT&T Services, Inc.; The Boeing Company; EchoStar Corporation; Intelsat S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; Ligado Networks; Lockheed Martin Corporation; OneWeb; SES Americom, Inc.; Space Exploration Technologies Corp.; Spire Global Inc.; and Viasat, Inc. SIA Associate Members include: ABS US Corp; Airbus Defense and Space, Inc.; Analytical Graphics, Inc.; Artel, LLC; Blue Origin; Eutelsat America Corp.; ExoAnalytic Solutions; Globalstar, Inc.; Glowlink Communications Technology, Inc.; HawkEye 360; Hughes; Inmarsat, Inc.; Kymeta Corporation; Leonardo DRS; Omnispace; Panasonic Avionics Corporation; Peraton; Planet; Speedcast Government; SSL; Telesat Canada; and XTAR LLC. For more information on SIA, see www.sia.org. These comments are supported by all SIA members except for AT&T Services, Inc., which abstains from participation.

Satellite and terrestrial systems are very different and each have unique issues that need to be addressed. For example, multiple geostationary satellite systems are licensed in a given frequency band under the FCC's two or four degree spacing policies. Terrestrial systems are sometimes licensed on an exclusive basis in a given area. In the latter case, voluntary secondary markets may be the best means for pursuing bidirectional sharing.

- **The FCC Should Explore Allowing Commercial Satellites Access to Federal-only FSS/MSS Bands:** For satellite operations, the FCC should interpret bidirectional sharing to also include exploring to what extent non-federal users should have access to FSS and MSS spectrum currently allocated for federal operations. This interpretation of bidirectional sharing and shared access is consistent with the Commerce Spectrum Management Advisory Committee's 2018 discussion of bidirectional sharing³ and the MOBILE NOW Act which requires Commerce to "submit recommendations to incentivize federal entities to relinquish, or share with federal or non-federal users, federal spectrum for commercial wireless broadband services."⁴

³ Commerce Spectrum Management Advisory Committee, *Spectrum Efficiency Subcommittee Report*, at 6-7 (July 2018).

⁴ See *Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act*, S. Rep. No. 115-4 (2017).