

**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,	)	
	)	RM-11791
	)	RM-11778
	)	

**REPLY COMMENTS OF THE INTERNATIONAL TELECOMMUNICATIONS  
SATELLITE ORGANIZATION (ITSO)**

These Reply Comments are submitted on behalf of the International Telecommunications Satellite Organization (ITSO). ITSO has previously provided its initial views on the matters under consideration in this proceeding in a letter dated November 14, 2017, submitted in GN Docket No. 17-183, Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 4.2 GHz.

ITSO's interest in this proceeding arises from its unique role and responsibilities with respect to the protection of the Common Heritage frequency assignments associated with orbital locations of the Parties to the ITSO Agreement, which were made available for use by Intelsat in connection with the INTELSAT restructuring process that occurred in 2001. ITSO has an overriding obligation to ensure that these important Common Heritage resources are not diminished in a manner inconsistent with the broader objectives contained in the ITSO Agreement.

Those Common Heritage frequency assignments include the full 500 MHz of C-band capacity that is now the subject of this proceeding. These frequency assignments associated

with orbital locations were made available to Intelsat premised on the assurance that they would be utilized by Intelsat in order to fulfill its obligation to meet the three Core Principles set forth in the ITSO Agreement, and over which ITSO was given a specific supervisory responsibility. These Core Principles (which Intelsat is obligated to meet) are: (1) to maintain global connectivity and global coverage; (2) to serve its lifeline connectivity customers; and (3) to provide non-discriminatory access to the Company's [Intelsat's] system.

Of the nineteen orbital locations that today comprise the Parties Common Heritage, thirteen of those orbital locations cover a portion of or the entirety of the CONUS United States, and are available for the provision of regional and international telecommunications services. As should be apparent, any reduction in the ability of satellites deployed at those orbital locations to utilize the full allocation of C-band downlink frequencies would have a profound impact not only on current but also the future provision of regional and international public telecommunications services from those locations by Intelsat or by other entities that may in the future be authorized to utilize the ITSO Parties' Common Heritage.

These concerns are not new. While the Common Heritage frequency assignments associated with orbital locations made available to Intelsat are at the core of ITSO's concerns, ITSO has an equally strong interest in assuring that the continuing access to critical C-band spectrum by all satellite systems providing public international telecommunications services to the countries of the world is not impaired. Indeed, many ITSO Parties were in fact actively involved in prior efforts undertaken to protect C-band spectrum from attempts to reallocate that spectrum for non-satellite use. Moreover, ITSO's very existence derives in large measure from Resolution 1721 (XVI) of the General Assembly of the United Nations, which is intended to

ensure that communications by means of satellites should be available to the nations of the world as soon as practicable on a global and non-discriminatory basis.

Going hand-in-hand with the ITSO's supervisory role under the ITSO Agreement are the accompanying important responsibilities that the United States has assumed in conjunction with Intelsat's restructuring. These include its designation as the responsible Notifying Administration for the vast majority of the ITSO Parties' Common Heritage frequency assignments and associated orbital locations, including all frequency assignments in the 3.7-4.2 GHZ band, which had been entrusted to the United States and which served as the basis upon which Federal Communications Commission was able to license those frequency assignments and associated orbital locations for use by the privatized Intelsat.

At the same time, ITSO is certainly fully aware of the competing pressures for spectrum access that are at the core of this proceeding and the difficult issues those competing interests have raised. That is why ITSO, in its previous submission, urged that the Commission adopt a sound policy approach that avoids unnecessary disruption to existing licensed C-band satellite operations in the 3.7-4.2 GHz band.

For that very reason, ITSO strenuously disagrees under any circumstances with any proposal predicated on the forced relinquishment by satellite operators, including in particular Intelsat, of the entirety of the 500 MHz C-band allocation for downlink C-band purposes. To do so, at least with respect to Intelsat's use of the frequency assignments associated with orbital locations made available to it as part of the INTELSAT restructuring process, would directly contravene the broader responsibilities that the United States accepted in becoming a Notifying Administration under the ITSO Agreement. Thus, whatever approach is ultimately adopted by

FCC, it is essential that any potential adverse impact on the provision of public international telecommunications services be minimized.

The one remaining open issue is how best to fashion proper assurance that, under whatever approach is ultimately adopted by the FCC, Intelsat will continue to be able to fulfill its Public Service Obligations under the ITSO Agreement and the United States will continue to honor its obligations as a Notifying Administration under the ITSO Agreement. In this regard, it will be incumbent upon the FCC to ensure that any action taken is consistent with its international obligations under the ITSO Agreement. The FCC must also ensure that any resulting reduction in the value of the ITSO Parties' Common Heritage is appropriately compensated, by requiring some form of financial remuneration in order to strengthen ITSO's ability to continue to supervise Intelsat's adherence to the Core Principles going forward, including ITSO's support for developmental programs and activities that would be undertaken in furtherance the objectives of the Core Principles.

ITSO continues to look forward to working with the Commission as this matter proceeds to ensure the preservation of the key objectives identified above.

Respectfully submitted,

/s/ Patrick Masambu

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International Telecommunications Satellite Organization (ITSO)

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