



IDB COMMUNICATIONS
GROUP, INC.

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October 28, 1992

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Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Room 222, Mail Stop 1170
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Notice of Proposed Rulemaking
CC Docket No. 92-160

Dear Ms. Searcy:

Enclosed are an original and nine copies of IDB Communications Group, Inc.'s Reply Comments to the Commission's Notice of Proposed Rulemaking, FCC 92-336, released July 30, 1992 in the above-captioned proceeding.

If there are any questions concerning IDB's submission, please contact the undersigned counsel.

Sincerely,

James T. Roche
General Regulatory Attorney
(301) 590-7098

JTR/swd

Enclosures

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

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In The Matter Of)
)
Amendment of Parts 21, 22, 23 and) CC Docket No. 92-160
25 of the Commission's Rules to)
Require Reporting of Station)
Frequency and Technical Parameters)
for Registration by the Commission)
with the International Frequency)
Registration Board)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF
IDB COMMUNICATIONS GROUP, INC.

IDB Communications Group, Inc. ("IDB") hereby submits its Reply Comments concerning the FCC's Notice of Proposed Rulemaking, FCC 92-336, released July 30, 1992 in CC Docket No. 92-160 ("NPRM"). The NPRM proposes to require applicants, permittees and licensees under Parts 21, 22, 23 and 25 of the FCC's rules to report extensive technical information on computer diskettes so that the FCC can create an automated database. The FCC asserts that this database would be used to protect domestic licensees at risk of harmful electrical interference to and from foreign carriers and to improve the reporting of frequency assignments to the International Frequency Registration Board ("IFRB"). A number of parties submitted comments on the proposed rules that would codify the reporting requirements.

IDB submits that the parties who supported the NPRM failed to provide any concrete evidence justifying the burdensome

new rules proposed by the FCC.^{1/} IDB agrees with and supports those parties who filed comments opposing in whole or in part the proposed new reporting requirements.^{2/} In particular, a number of parties filed comments similar to those filed by IDB, which demonstrated that there was no need to impose reporting obligations on transmit or receive Ku-band satellite operations, or on C-band receive satellite operations. To the extent technical information must be reported for C-band receive operations, this information can be submitted more efficiently and more cost-effectively by the domestic satellite operators.

A. Summary of IDB's Position

In its Opposition, IDB strongly opposed the proposed reporting requirements because they are unnecessary and unduly burdensome. The extensive reporting required for IFRB notification contravenes the Administration's directive that federal agencies reduce the regulatory burden on businesses. The cost of the proposed new regulations is far outweighed by any purported benefit.

There is no problem at present in the satellite industry with unacceptable interference from foreign carriers, and any potential for future problems is likely to decrease as the U.S.

^{1/} See Comments of AMSC Subsidiary Corporation, American Telephone and Telegraph Company, GE American Communications, Inc., National Spectrum Managers Association and Pepper & Corazzini.

^{2/} See Comments of GTE Service Corporation, Hughes Communications, Inc. and Hughes Network Systems.

continues to enter into bilateral telecommunications agreements with Canada and Mexico.

Nonetheless, if the FCC determines that extensive information reporting pursuant to the IFRB process will protect FCC licensees from harmful interference created by foreign carriers, the FCC should make the proposed new reporting requirements optional. Licensees who chose not to file would waive protection from unintentional interference created by foreign carriers.

B. The Comments Do Not Support Adoption Of The NPRM.

The comments in this proceeding do not provide an adequate record for the Commission to adopt the NPRM. Although a number of parties submitted comments generally supporting the NPRM, none of these comments provided any concrete evidence justifying the Commission's adoption of burdensome new reporting requirements. Instead, these comments, for the most part, focus on narrow procedural issues, including the benefits of electronic submission of data, the use of commercial database programs, the efficiency of suggested format changes, technical standards for diskettes, industry meetings on the subject and error checking methodologies.

The supporting comments do not include any cost/benefit analysis of the proposed new reporting requirements for earth station licensees and applicants. The comments contain no real discussion of the public interest being served by the new reporting requirements.

By contrast, IDB and other parties who opposed the NPRM provided specific reasons why the new reporting requirements should not be adopted. In particular, these comments demonstrated that the requirements would be burdensome to applicants, will unnecessarily delay the licensing process and are not necessary to accomplish the FCC's interference protection objectives. The proposed new reporting requirements will impose substantial new administrative burdens on satellite earth station applicants and licensees, without providing any countervailing benefits.

C. Even If The New Rules Are Adopted, The Commission Should Exempt All Ku-Band Operations And C-Band Receive Operations.

IDB fully supports GTE's recommendation that Ku-band services should be exempted from the proposed reporting requirements and suggests that C-band receive earth station operations should also be excluded unless applicants want protection from potential international interference.^{3/} As GTE asserted, there has been no interference in the Ku-band which would justify the excessive reporting requirements proposed by the NPRM. In addition, receive operations of C-band earth stations cannot cause interference; therefore, reporting obligations for C-band receive earth station operations should be optional.

If the Commission ultimately determines that technical information for C-band receive operations must be filed, IDB

^{3/} See Comments of GTE, pp. 5 and 6.

submits that the domestic satellite operators, not each and every earth station operator, be required to provide most, if not all, of the technical information. The satellite operators have the information and resources necessary to report key interference information, such as power flux density at the earth's surface. In many cases, hundreds of earth station operators, particularly in the cable industry, are receiving the same signal from the same transponder on the same satellite. It is duplicative and inefficient for each earth station operator to be required to report the same information to the Commission. At most, such operators should be required only to report the location of their earth station, and perhaps its size and manufacturer.

WHEREFORE, IDB urges the Commission not to adopt the rules proposed in its NPRM, or, in the alternative, to refine and narrow the scope of those rules in the manner described herein.

Respectfully submitted,

IDB COMMUNICATIONS GROUP, INC.

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October 28, 1992

CERTIFICATE OF SERVICE

I, Susanne Deljoubar, do hereby certify that I have this 28th day of October, 1992, sent copies of the foregoing "Reply Comments of IDB Communications Group, Inc." by first-class U.S. mail, postage prepaid, to the following:

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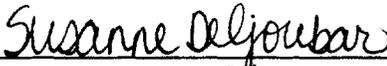
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