

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

In the Matter of)	
)	
International Bureau Seeks Comment on)	IB Docket No. 18-251
Satellite Communications Services for the)	
Communications Marketplace Report)	
)	
Expanding Flexible Use of the 3.7 GHz to)	GN Docket No. 18-122
4.2 GHz Band)	

COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) submits these comments in response to the *Notice* issued by the International Bureau seeking information in connection with the Commission’s analysis of the communications marketplace as required by RAY BAUM’s Act.¹ In particular, NCTA herein addresses the Commission’s request for “information on industry data . . . and trending factors” in the satellite communications marketplace, including on the “[r]etail and wholesale communications services that are provided by satellite communications providers” and “spectrum resources, access to spectrum, [and] spectrum usage.”²

I. NCTA’S MEMBERS RELY ON C-BAND SATELLITE SERVICES TO DELIVER VIDEO TO MORE THAN 100 MILLION AMERICAN HOUSEHOLDS

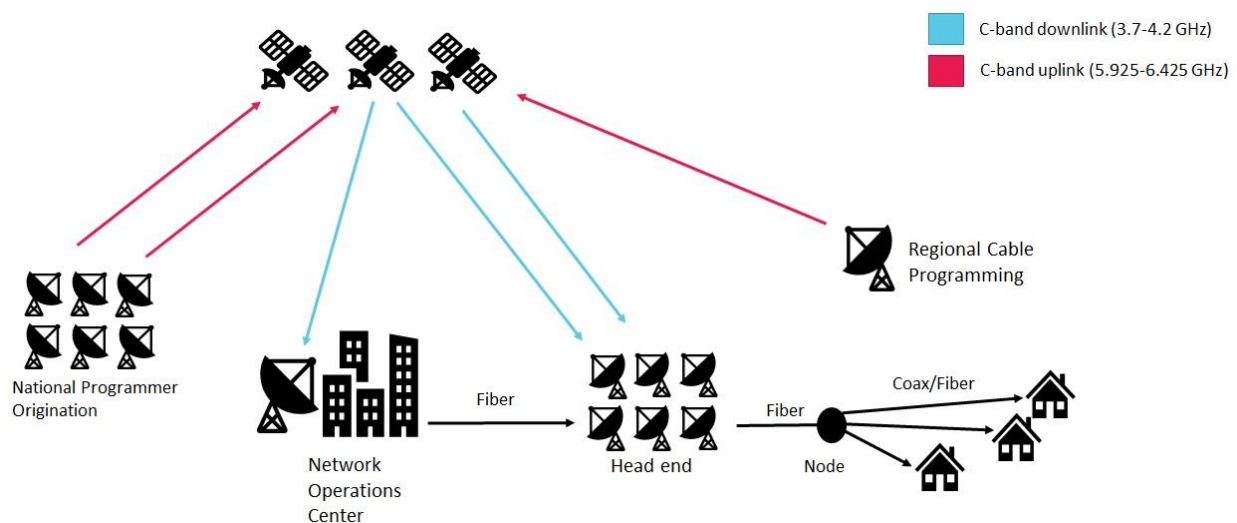
NCTA’s members – including cable operators and programming networks – are significant satellite industry customers. In particular, programming networks rely on providers

¹ See generally FCC, Public Notice, *International Bureau Seeks Comment on Satellite Communications Services for the Communications Marketplace Report*, IB Docket No. 18-251, DA 18-858 (rel. Aug. 17, 2018).

² *Id.* at 1-2.

of satellite capacity such as SES and Intelsat to uplink their television content (using the 5.925-6.425 GHz band) to a variety of satellites, which cable operators then receive on the ground at network operations centers and cable headends across the country (using the 3.7-4.2 GHz band), as depicted in Figure 1 below. C-band satellite services remain a primary means of transmitting and receiving programming delivered to 100 million American households, including 51.9 million cable video customers.

FIGURE 1: CABLE VIDEO DISTRIBUTION



Programming networks also rely on C-band satellite spectrum to deliver breaking news, sports, and other live programming from remote locations back to network operations centers where that content can be incorporated into the program stream and delivered to MVPDs and then on to customers. In addition to content distribution, C-band customers – including some of NCTA’s members – also rely on services provided by C-band satellite operators to deliver broadband, emergency communications, and communications in remote areas.³ Even as NCTA’s operator

³ Comments of NCTA – The Internet & Television Association, GN Docket No. 17-183, at 4 (filed Oct. 2, 2017) (footnotes omitted) (citing Comments of General Communication, Inc., RM-11791, at 5-11 (filed Aug. 7, 2017)).

members have worked toward expanding the use of fiber in delivering content to homes, this expansion has not diminished the need for C-band satellite services to acquire the content for distribution. Accordingly, there remains robust demand in the market for C-band satellite services among NCTA's members.

II. THE COMMISSION SHOULD CONSIDER THE IMPACT OF PROPOSED REGULATORY CHANGES ON C-BAND COMPETITION

The Commission issued a Notice of Proposed Rulemaking in July 2018 seeking “to identify potential opportunities for additional terrestrial use – particularly for wireless broadband services – of 500 megahertz of mid-band spectrum between 3.7-4.2 GHz.”⁴ Among other things, the Commission seeks comment on approaches that “would most efficiently and effectively repurpose a portion or all of the band for flexible use,” which would reduce the amount of spectrum available to support today’s robust C-band services.⁵ The Commission also proposes to eliminate its full-band, full-arc licensing policy, which allows earth station operators today to register for interference protection across the full 3.7-4.2 GHz band and across the full geostationary arc.⁶ These proposals, if adopted, would bring sweeping changes to the C-band marketplace, and the Commission should address in its RAY BAUM’s Act Report and in the 3.7-4.2 GHz rulemaking whether such actions would undermine competition in the provision of C-band services. Ultimately, the Commission should avoid regulatory actions in its 3.7-4.2 GHz rulemaking that would reduce competition or raise prices in the C-band services marketplace.

⁴ *Expanding Flexible Use of the 3.7-4.2 GHz Band, et al.*, Order and Notice of Proposed Rulemaking, GN Docket No. 18-122, FCC No. 18-91, ¶ 1 (rel. July 13, 2018) (NPRM).

⁵ *See id.* ¶ 58.

⁶ *Id.* ¶ 39.

Commenters in the Commission’s mid-band spectrum proceeding have argued,⁷ and the Commission acknowledges, that because “a reduction in industry capacity generally leads to higher prices, reducing the spectrum associated with FSS may have the unintended consequence of increasing the price of FSS services and consequently of downstream services.”⁸ The Commission should discuss in the Communications Marketplace Report (and consider in the 3.7-4.2 GHz proceeding) whether eliminating satellite access to a significant portion of C-band downlink spectrum, a critical input to the provision of C-band services, could reduce competitive access to C-band services or eradicate the C-band marketplace altogether. The Commission should develop a robust record in its 3.7-4.2 GHz docket that addresses potential geographic variation, including exploring whether there will “continue to be a viable market for delivering content via C-band if C-band no longer provides nationwide coverage, due to repacking in some markets and not others.”⁹ And it should explore in its Report and ongoing rulemaking whether eliminating access to some or all C-band downlink spectrum could increase the price of C-band

⁷ Comments of the American Cable Association, GN Docket No. 17-183, at 18-19 (filed Oct. 2, 2017); *see also* Letter from Adam Shoemaker, Counsel, National Public Radio, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 17-183, 18-122, at Attachment p. 4 (filed June 6, 2018) (urging the Commission to “[c]onsider [a] variety of mechanisms for any spectrum reallocation to ensure continuity of service, competition for business end-users and individual consumers”).

⁸ NPRM ¶ 63.

⁹ Letter from American Cable Association, National Association of Broadcasters, National Public Radio, Inc., and NCTA – The Internet & Television Association, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 17-183, 18-122, at 4 (filed June 15, 2018) (C-band Customer Letter).

services.¹⁰

Comments on the Commission’s Mid-band Notice of Inquiry also noted that the Commission’s full-band, full-arc licensing policy provides important flexibility to consumers of wholesale C-band services, including NCTA’s members. This policy allows earth station operations to change antenna pointings and/or switch transponders without burdensome filing and coordination requirements, and therefore “allow[s] C-band satellite users to take advantage of competing sources of space segment capacity.”¹¹ Restricting earth station operators only to the frequencies and antenna pointing currently in use, and requiring a burdensome filing and coordination before an operator implements any changes, could “make it much more difficult – and perhaps even impossible – for the user to switch suppliers, thus seriously limiting competition.”¹² The Commission should discuss in its Communications Marketplace Report and consider in the 3.7-4.2 GHz rulemaking, whether restricting the ability of earth station operators freely to access a variety of satellites in the geostationary arc or to change the transponders they use would limit their choice in providers or otherwise undermine competition.¹³

A robust marketplace for C-band communications services remains essential to the delivery of cable television programming to American households throughout the country, and to the delivery of broadband and other services in remote locations. NCTA encourages the Commission to discuss these issues in its Communications Marketplace Report and to fully air

¹⁰ *Id.* (“If choice in providers is reduced as a result of either spectrum repacking or arc reduction, will prices for C-band users – and ultimately, in some cases, their end user customers – be expected to increase?”).

¹¹ Comments of The Satellite Industry Association, GN Docket No. 17-183, at 29 (filed Oct. 2, 2017).

¹² *Id.*

¹³ *See* C-band Customer Letter at 4.

them in the ongoing 3.7-4.2 GHz proceeding.

Respectfully submitted,

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