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**FILED ELECTRONICALLY**

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

**Re: Written *Ex Parte* Presentation, IB Docket No. 18-314**

Dear Ms. Dortch:

SES Americom, Inc. and New Skies Satellites B.V. (collectively, "SES") request that the Commission broaden its draft Notice of Proposed Rulemaking in the above-referenced proceeding<sup>1</sup> to encompass an outstanding issue relating to Section 25.140 of the rules.<sup>2</sup> Specifically, SES requests that the Commission take the opportunity in this proceeding to clarify the default two-degree spacing level for downlink operations in the conventional and extended Ku-band spectrum specified in Section 25.140(a)(3)(ii).

SES originally raised this issue more than two years ago, when it sought limited reconsideration<sup>3</sup> of the Commission's December 2015 decision on Part 25.<sup>4</sup> SES noted that the Second Report and Order discussed the Commission's intention to increase the default downlink EIRP density level for digital operations in the conventional and extended Ku-band spectrum to 13 dBW/4kHz,<sup>5</sup> but the rule language of Section 25.140(a)(3)(ii) as adopted states that the default downlink EIRP density for Ku-band digital operations is 14 dBW/4kHz.<sup>6</sup> SES asked the Commission to resolve this discrepancy by clearly stating which level it intends to apply to routine Ku-band operations going forward.<sup>7</sup> Telesat Canada supported the SES Petition on this point, arguing that Commission clarification of this value "would benefit

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<sup>1</sup> *Further Streamlining Part 25 Rules Governing Satellite Services*, Draft Notice of Proposed Rulemaking, IB Docket No. 18-314, FCC-CIRC1811-08 (rel. Oct. 25, 2018) ("Draft NPRM").

<sup>2</sup> 47 C.F.R. § 25.140.

<sup>3</sup> Petition for Reconsideration of SES Americom, Inc. and New Skies Satellites B.V., IB Docket No. 12-267, filed Sept. 19, 2016 ("SES Petition") at 15.

<sup>4</sup> *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713 (2015) (the "Second Report and Order").

<sup>5</sup> SES Petition at 15 & n.34, *citing* Second Report and Order, 30 FCC Rcd at 14754-55.

<sup>6</sup> 47 C.F.R. § 25.140(a)(3)(ii).

<sup>7</sup> SES Petition at 15.

applicants and the Commission by preventing future disagreements as to the standard that will be applied.”<sup>8</sup> No party opposed the SES request for clarification.

The changes to the two-degree spacing rules made in the Second Report and Order were part of the Commission’s efforts to “reduce burdens on applicants, licensees, and the Commission, facilitating more rapid and efficient deployment of satellite services to the public,”<sup>9</sup> and the Draft NPRM seeks to promote similar objectives.<sup>10</sup> Because ongoing confusion regarding the Commission’s intent threatens to undermine these goals, the Commission should explicitly clarify the default two-degree spacing limits for conventional and extended Ku-band downlinks. Doing so will further the public interest by simplifying Commission procedures and eliminating the potential for disputed interpretations of Commission policies.

For the foregoing reasons, SES requests that the Commission revise the Draft NPRM by adding consideration of the Ku-band two-degree downlink EIRP density levels. Please contact the undersigned if you have any questions.

Respectfully submitted,

*/s/ Karis A. Hastings*

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<sup>8</sup> Comments of Telesat Canada, IB Docket No. 12-267, filed Nov. 18, 2016, at 3.

<sup>9</sup> Second Report and Order, 30 FCC Rcd at 14715.

<sup>10</sup> See Draft NPRM, ¶¶ 1-3.