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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Proposals for Blanket Licensing)
Of Satellite Earth Stations Operating)
In the 17.7 - 20.2 GHz and)
27.5 - 30.0 GHz Frequency Bands)
and Sharing Between Fixed Terrestrial)
and Satellite Services In the)
17.7 - 19.7 GHz Frequency Bands)

RM-9005

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS

I. INTRODUCTION

Here the National Association of Broadcasters (NAB")¹ submits comments in response to the Commission's September 5, 1997, *Public Notice*² seeking to "refresh" the record in the above-captioned matter. The requests embodied in the petition³ which was assigned the file number RM-9005,⁴ taken together with the concepts advanced in the *one* comment⁵ submitted in response to the Commission's January 16, 1997, *Public Notice*, *supra*, would result in serious jeopardy to the fixed service operations of broadcast

¹ NAB is a nonprofit, incorporated association of television and radio stations and networks which serves and represents the American broadcast industry.

² FCC *Public Notice*, "Commission Requests Comment to Refresh Record on Proposals for Blanket Licensing of Satellite Earth Stations Operating in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands and Sharing Between Fixed Terrestrial and Satellite Service in the 17.7-19.7 GHz Frequency Bands," IN Report No. 97-27, released September 5, 1997.

³ Petition for Rule Making, filed December 23, 1996, by Lockheed Martin Corporation, AT&T Corp., Hughes Communications, Inc., Loral Space & Communications, Ltd., and GE American Communications ("petitioners").

⁴ See FCC *Public Notice* "Office of Public Affairs Reference Operations Division Petition for Rulemaking Filed," Report No. 2173, released January 16, 1997.

⁵ See Comments of Teledesic Corporation ("Teledesic"), filed February 18, 1997.

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stations, broadcast networks and many other fixed service ("FS") licensees in the 17.7-18.8 GHz band ("18 GHz band").

This past summer the FCC staff convened a meeting of representatives of many of the fixed users that would be affected by the petitioners/Teledesic plan. The FCC staff's purpose was to inform those attending that the Commission's staff intended to recommend FCC adoption of a *Notice of Proposed Rule Making* -- a *Notice* advancing for public comment the full range of proposals (discussed below) of the petitioners and Teledesic. In response, the fixed service representatives strenuously argued to the contrary.

First of all, it was the unanimous view of the fixed service representatives attending this meeting that the Commission's January 16, 1997, FCC *Public Notice* woefully failed to apprise the public of the true nature of the petition.⁶ As a result of this inadequate notice, *none* of the parties that obviously would oppose the petitioners' plan even recognized its existence. Moreover, the Commission's staff had expressed an intention to recommend issuance of a rulemaking notice that would propose not only the petitioners' unwise plan but also the even more reckless proposals of Teledesic -- the latter which were later effectively embraced by petitioners.⁷ And, of course, neither the Teledesic plan nor the subsequent petitioner assent to the Teledesic plan was put on public notice at all.

However, once analyzed by parties potentially affected, it becomes clear that the unified plan offered by petitioners/Teledesic would be at odds with rational

⁶ The January 16, 1996 *Public Notice's* entire, bare-boned description of the RM-9005 petition was "Request revision of Commission's Rules to provide for the routine licensing of large numbers of small antenna earth stations in the Ka-band."

⁷ See Teledesic Reply, filed March 5, 1997.

communications and spectrum management policy. The plan not only would pose serious interference threats to fixed services in this band; it would result in the destruction of fixed service operations and force fixed service abandonment of these frequencies. Though the petitioners and Teledesic clearly would favor the latter, such an outcome is one that the Commission cannot allow.

II. REGULATORY BACKGROUND

The petitioners' original request sought Commission revision of Part 25 of its rules⁸ to provide for the routine “blanket” licensing of large numbers of Geostationary Orbit/Fixed Satellite Service (“GSO/FSS”) earth stations operating in the 19.7-20.2 GHz, 28.35-28.6 GHz and the 29.5-30.0 GHz bands. The petitioners, recognizing the challenges posed by inter-service sharing, proposed that the Commission initiate a separate rulemaking proceeding to address the development of sharing criteria and of licensing and registration procedures for GSO/FSS earth stations and FS microwave stations operating in the 17.17-18.8 GHz band. In comments filed in response to the petition, Teledesic supported the petitioners' overall proposals but went a step further and requested the Commission also to consider, simultaneously and in the same proceeding, blanket licensing procedures for FSS operations in the 18 GHz and other bands.

NAB's interest in this proposal is founded on broadcasters' use of the 17.7-18.8 GHz band for broadcast auxiliary FS microwave stations. Broadcast networks and stations use FS links in this band for video and audio “back-hauls,” which support news gathering and other broadcast operations. Indeed, broadcasters are looking to expand

⁸ See 47 C.F.R. §25.101

their use of the 18 GHz band to supplement fixed links that are being displaced from the lower BAS bands (*e.g.* the 2 and 7 GHz bands) and that have become further congested as the demand for auxiliary spectrum has increased.

III. THE COMMISSION SHOULD DENY PETITIONERS' REQUEST FOR BLANKET LICENSING IN THE 18 GHz BAND.

NAB believes the Commission should reject the Teledesic request for blanket licensing in the 17.7-18.8 band. We do not object to petitioners' proposals for blanket licensing in the other, un-shared bands mentioned in their petition;⁹ however, with respect to the 18 GHz band, we have very serious doubts whether workable sharing criteria are feasible, given the nature of the GSO/FSS service that is contemplated. Moreover, we believe strongly that even if such sharing criteria did exist, blanket licensing would make impossible the application of the coordination methods.

Blanket licensing would allow an FSS licensee to add earth stations at will -- at any location and without notification. Putting the impossible burden on incumbent FS users to protect the potentially tens of millions¹⁰ of new earth stations, at unknown locations, effectively would destroy the ability of FS incumbents to use the spectrum to which they lawfully have been assigned. Further, we believe that under the type of regulatory regime proposed by Teledesic, eventually FS users would be forced out of the 18 GHz just as was the case in the 3 – 4 GHz band. This would be an unacceptable

⁹ NAB has no objection to the Commission beginning a rulemaking proceeding to explore the possibility of blanket licensing in the 19.7-20.2 GHz, 28.35-28.6 GHz and the 29.5-30.0 GHz bands. However, if the Commission decides to pursue the petitioners' proposal for further exploration of inter-industry sharing, the Commission should make it clear that it does not intend to displace incumbent FS users or place unreasonable burdens on their use of the 18 GHz band.

¹⁰ See Comments of Teledesic at page 2

scenario, considering that the amount of spectrum for FS use is decreasing while demand is increasing.

Inter-service sharing in any band is feasible only when there are clear, well-established technical sharing criteria and where there is careful frequency coordination among licensees from the different services in that band. The use of blanket licensing in shared bands is impractical and makes inter-service sharing unworkable. Indeed, coordination is impossible when the locations of one of user's facilities is unknown. Thus, blanket licensing in shared bands must not be allowed.

IV. CONCLUSION

For the reasons stated above, NAB urges the Commission to reject Teledesic's proposal for blanket licensing for FSS earth stations in the 18 GHz band. NAB has no objection to the Commission moving forward in a rulemaking proceeding on the issues raised by the petitioners; however, blanket licensing in the 18 GHz band should not be part of such a proceeding. NAB believes that it would be premature for the Commission to proceed to the rulemaking stage on the 18 GHz issues at this time because there is no

technical basis upon which to establish sharing criteria. Moreover, even with such criteria established, we believe that blanket licensing would render sharing impossible.

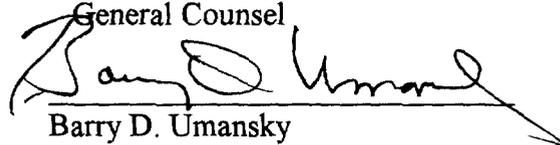
Respectfully submitted,

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September 24, 1997

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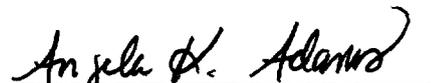
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