

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

In the Matter of )  
 )  
Comprehensive Review of Licensing and ) IB Docket No. 12-267  
Operating Rules for Satellite Services )

**COMMENTS OF  
THE GLOBAL VSAT FORUM**

The Global VSAT Forum (“GVF”) respectfully submits these comments in support of the reforms to the Commission’s International Telecommunications Union (“ITU”) notification process as described in the Further Notice of Proposed Rulemaking in the Part 25 proceeding.<sup>1</sup> As an international organization promoting access to satellite communications,<sup>2</sup> GVF supports the Commission’s move toward harmonizing its ITU coordination procedures with those of other administrations.

The Commission’s Part 25 regulations are rigorous, and require companies to submit for public disclosure the full technical details of their proposed satellite networks prior to initiating the ITU notification and coordination process by submitting a satellite network Advance Publication of Information (“API”). Unfortunately, this policy has the inadvertent effect of

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<sup>1</sup> See Comprehensive Review of Licensing and Operating Rules for Satellite Services, Further Notice of Proposed Rulemaking, FCC 14-142, ¶ 5-18 (Sep. 30, 2013) (“*Notice*”).

<sup>2</sup> GVF is the unified voice of the global satellite communications industry. With over 250 members, GVF brings together organizations engaged in the delivery and use of advanced broadband and narrowband satellite services to consumers, and commercial and government enterprises worldwide. A list of GVF member organizations is available at <https://gvf.org/index.php/about-gvf/membersdirectory.html?view=companyprofiles>.

penalizing entities that apply through the United States, exposing them to substantial business uncertainty<sup>3</sup> and even potential “claim jumping” by competitors who may submit ITU filings through other administrations with processes that do not require such prior disclosure.<sup>4</sup> Although the Commission’s goal of discouraging speculative or strategic filing of “paper satellites” through the United States is laudable, the result of the current rules may be to dissuade companies from utilizing the U.S. process and to create the opportunity and incentive for some bad actors to engage in regulatory arbitrage by filing competing applications through administrations that do not require the same initial public disclosure.

Other national administrations have recognized the risk of such a front-loaded process. In the United Kingdom, for instance, Ofcom has long used a “first-come, first-served” system that permits confidential submission and assesses applications for basic technical due diligence before submitting related materials to the ITU.<sup>5</sup> Although Ofcom has considered a U.S.-style process of requiring a full public technical application prior to initiating ITU coordination, it rejected this approach, noting that “the need to publish details of applications might deter applications to Ofcom.”<sup>6</sup> The current rules place the United States in precisely this position.

GVF therefore agrees with what appears to be the unanimous position of the commenters on this issue that it is time to harmonize the Commission’s ITU submission rules with those of

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<sup>3</sup> Comments of DIRECTV, LLC, GN Docket 14-25 at 7-8 (“*DIRECTV Comments*”).

<sup>4</sup> *Id.* at 9.

<sup>5</sup> Ofcom, Procedures for Authorisation of Satellite Networks at 8 (available at [http://stakeholders.ofcom.org.uk/binaries/consultations/satellite\\_networks/summary/con\\_doc.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/satellite_networks/summary/con_doc.pdf)) (“*Consultation*”).

<sup>6</sup> *Id.* at 8.

the rest of the world.<sup>7</sup> Not only will this reduce the opportunity and incentive for companies to abuse the disclosure rules of the uniquely strict U.S. system, it will encourage more entities to apply through the Commission's otherwise well-developed satellite licensing procedures. Specifically, GVF supports the adoption of an optional two-step licensing procedure for geostationary and non-geostationary satellite systems in non-planned FSS bands, with the submission of initial APIs to be followed within a defined period by the filing of the remaining technical and legal information required to complete the Commission's satellite license application.<sup>8</sup>

GVF also agrees that the submission of a letter request for filing of ITU materials with a simplified description of the satellite network and a cost-recovery declaration should be sufficient to secure a position in a first-come, first-served space station application queue.<sup>9</sup> This revised process provides increased protection for good faith applicants while maintaining certainty for the Commission and competitors.

The proposed modifications will maintain the integrity of the Commission's review process while mitigating the risk to good faith applicants. Indeed, even after the proposed reforms, the surety bond and milestone requirements of the United States satellite authorization process are substantially more rigorous than those of many other administrations. GVF concurs with the comments of SIA in this proceeding, which suggest that the burdens and benefits of

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<sup>7</sup> See, e.g., *DIRECTV Comments* at 9; Comments of The Boeing Company, IB Docket No. 14-25, at 7-8 (Mar. 31, 2014); Comments of EchoStar/Hughes, GN Docket No. 14-25, at 10-11 (April 1, 2014); Comments of Intelsat License LLC, GN Docket No. 14-25, at 4 (March 31, 2014); Comments of SES Americom, Inc., GN Docket No. 14-25, at 2 (March 31, 2014); Comments of ViaSat, Inc., GN Docket No. 14-25, at 2 (March 31, 2014).

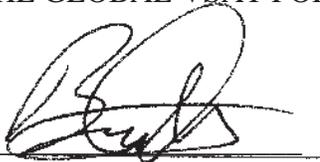
<sup>8</sup> *Notice*, ¶ 13-14.

<sup>9</sup> *Id.*, ¶ 15.

these requirements should be carefully reviewed to ensure that the Commission's procedures provide adequate oversight without discouraging innovation and investment in satellite services, particularly by smaller entities.

The proposed ITU coordination process reforms are a common sense change that will bring U.S. satellite regulations in line with the rest of the world and reduce regulatory uncertainty for satellite operators. GVF therefore urges the Commission to adopt the proposed changes without delay.

Respectfully submitted,  
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