



The FCC's Two-Degree Spacing Policy Must Be Retained to Ensure Efficient Use of the Orbital Resource and Allow Competitive Entry into the Satellite Marketplace

- Two degree spacing facilitates entry by new competitors and existing operators by providing a predictable baseline at which parties can operate prior to completing coordination with their neighbors. Over thirty years of experience demonstrates the success of this policy.
 - Absent the two degree spacing framework, new entry could be blocked by incumbents indefinitely based on conservative ITU coordination criteria.
- Because Intelsat has numerous, high priority ITU filings across the GSO arc, relying on ITU priority instead of two degree spacing would benefit Intelsat **at the expense of all other operators** but particularly new entrants and new satellites.
 - In this case, operators – primarily Intelsat – would have effective veto power over any other operator's new or replacement satellites.
 - Intelsat's approach would remove the ability for all operators to compete on a fair and common ground, ultimately disadvantaging US consumers.
- Equally concerning is the Satellite Division's proposal that would provide special protection to incumbents who claim to have small earth stations in operation even though such operations do not comply with existing two degree separation rules. Under this proposal, these incumbents would be able to block new entrants and other U.S. satellite operators from operating even at the default two degree spacing levels across multiple orbital slots.
- For example, given that Intelsat's numerous ITU filings are among the oldest in the world, Intelsat will likely claim this special protection at virtually every orbital location, affecting the satellites of most other operators serving the U.S. market. The end result of this change would be equivalent to eliminating the FCC's two degree spacing policy altogether.
 - Such a change is completely unjustified, as the existing two degree spacing policy has enabled Intelsat, SES, EchoStar and other parties to successfully deploy and coordinate small-dish operations.
- It is critical to recognize that satellite operators are all serving the same customers. Innovative services, including broadband and aeronautical services, can be provided at two degree spacing today. This is evidenced by the myriad of aeronautical earth station applications the Commission is receiving and granting for satellites two degrees away from other parties. This includes, for example, SES-1 at 101 W.L, two degrees away from Intelsat's Galaxy 16.

- Instead of pursuing approaches that would either directly or effectively do away with two degree spacing, the FCC should maintain its current two degree spacing policy as a key way to facilitate and encourage competition in the U.S. market and to protect the public interest.
- In order to maintain a robust, functional regulatory regime that allows continued growth and innovation in the satellite industry, the FCC should increase the two degree spacing operating levels to more realistically and accurately correspond with those of modern satellite systems.