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BEIJING BRUSSELS LONDON LOS ANGELES
NEW YORK SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Gerard J. Waldron

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5360
gwaldron@cov.com

March 4, 2016

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

Re: Written *ex parte* presentation in IB Docket No. 12-340; RM-11681; IBFS File Nos. SES-MOD-20151231-00981, SAT-MOD-20151231-00090, and SAT-MOD-20151231-00091

Dear Ms. Dortch:

This letter responds to the recent *ex parte* submission in the above-captioned dockets from the American Meteorological Society (“AMS”) and National Weather Association (“NWA”) (the “AMS/NWA Filing”). We welcome AMS/NWA’s participation in this proceeding, especially because the record of this proceeding shows we already have anticipated and addressed the key concerns raised in the AMS/NWA filing.¹ However, a few points in the AMS/NWA Filing merit specific attention.

First, the AMS/NWA Filing refers repeatedly to the 1675-1695 MHz band. Ligado does not seek to operate across this entire band, but rather in only the 1675-1680 MHz portion of the band. Moreover, the problems identified in the AMS/NWA Filing stem in part from the relocation of operations necessitated by the AWS-3 auction, which was commenced in November 2014. The AMS/NWA Filing makes no distinction in this regard. In its filings in this proceeding, Ligado has made clear that the Commission should explore whether problems specific to shared operation in 1675-1680 MHz band exist, and if they do, to propose solutions to address them in connection with the Commission writing service and auction rules for this band.

¹ See, e.g., Letter from Gerard J. Waldron to Marlene H. Dortch, IB Docket No. 12-340; RM-11681; IBFS File Nos. SES-MOD-20151231-00981, SAT-MOD-20151231-00090, and SAT-MOD-20151231-00091 (filed Feb. 9, 2016) (“Feb. 9, 2016 Filing”); Letter from Gerard J. Waldron to Marlene H. Dortch, IB Docket No. 12-340; RM-11681; IBFS File Nos. SAT-MOD-20120928-00160; SAT-MOD-20120928-00161; SES-MOD-20121001-00872 (filed Jan. 19, 2016); Letter from Gerard J. Waldron to Marlene H. Dortch, IB Docket No. 12-340; RM-11681; IBFS File Nos. SAT-MOD-20120928-00160; SAT-MOD-20120928-00161; SES-MOD-20121001-00872 (filed Dec. 16, 2015); Letter from Gerard J. Waldron to Marlene H. Dortch, IB Docket No. 12-340; RM-11681; IBFS File Nos. SAT-MOD-20120928-00160; SAT-MOD-20120928-00161; SES-MOD-20121001-00872 (filed Nov. 5, 2015).

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Second, the AMS/NWA Filing notes that the NWS radiosondes will need to continue to operate in the 1675-1679.5 MHz band for some time, possibly until as late as 2021. The AMS/NWA Filing seems to suggest that because the radiosondes will not be moved for some period of time, the Commission should do nothing in the meantime. That suggestion simply ignores the Commission's long history with spectrum auctions and reallocating spectrum to commercial use. Specifically, while Ligado has urged the Commission move forward with an auction for this spectrum in fiscal year 2017, we recognize that it will take time for the National Oceanic and Atmospheric Administration to finish implementing the transition of radiosondes out of the band, which was triggered by the AWS-3 auction. Thus, for this auction, as for every other auction we are aware of, there will be a difference between the "auction date" for spectrum and the "occupancy date" of that same spectrum by the auction winner. There is nothing new here; in fact, it is the norm. For example, the broadcast incentive auction starting later this month will entail auction winners waiting at least 39 months to occupy the spectrum. Similarly, winners of the AWS 3 auction, which opened in November of 2014, are still waiting for full access to that spectrum. Thus, the fact that an incumbent user will need time after the auction is completed to accommodate its reallocation is unexceptional, and does not affect the timing of an auction of that spectrum.

Third, the AMS/NWA Filing notes that drivers for using direct broadcast from GOES-R include low data latency and high data availability, and posits that "these strict requirements should be met, even if alternative means of data transmission to all users are considered."² We fully embrace both prongs of this point: (a) that alternative means of data transmission to all users should be considered, and (b) that low data latency and high data availability should be ensured in these alternative means of transmissions. The February 9, 2016 submission by the company contains a proposal to address this very point.³ Although the AMS/NWA Filing did not address this submission, we look forward to further discussions with AMS and NWA on this proposal.

Finally, and perhaps most curiously, the AMS/NWA Filing contends that there is concern among some in the meteorological community about sharing the 1675-1680 MHz band, but then recommends against the Commission initiating a public process to solicit input on that very issue. The proposal we have put forth is consonant with the Commission's role as conducting its business in an open and transparent way where data and perspectives are presented on the record, so as to enable the expert agency to decide. The AMS/NWA Filing does not explain at any length why such a process would fail to serve the public interest regarding the issue at hand. A notice-and-comment process is in fact the best way for all potentially interested parties to raise their concerns with the Commission, as it provides an equal opportunity for interested parties to draw attention to their concerns. Furthermore, a public comment process is consistent with the requirements of the Administrative Procedures Act, which provides that the Commission make

² AMS/NWA Filing at 2.

³ See Feb. 9, 2016 Filing at 1-2; 5-8.

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its decisions in an open and transparent manner.⁴ Ligado hopes to foster a dialog among the user community—with AMS/NWA leadership, and spurred by the public comment process—to assure that all needs are adequately addressed.

Please direct any questions to the undersigned.

Sincerely,

/s/ Gerard J. Waldron

Gerard J. Waldron

Ani Gevorkian

Counsel to Ligado

⁴ See 5 U.S.C. § 553.