

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

In the Matter of)
)
NTIA Letter Regarding Information and) IB Docket No. 16-155
Certifications from Applicants and Petitioners)
for Certain International Authorizations)

COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION

The Satellite Industry Association (SIA)¹ hereby comments on the above-captioned Public Notice, released May 12, 2016, attaching a letter from the National Telecommunications and Information Administration (“NTIA Letter”).² The NTIA Letter states that its purpose is “to streamline the Executive Branch’s review” of applications for authority from the Federal Communications Commission (“FCC” or “Commission”). Towards this end, the NTIA Letter asks the Commission to obtain “certain information pertaining to ownership, network operations,

¹ SIA is a U.S.-based trade association providing representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers. For more than two decades, SIA has advocated on behalf of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business. For more information, visit www.sia.org. SIA Executive Members include: The Boeing Company; The DIRECTV Group; EchoStar Corporation; Intelsat S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; Ligado Networks; Lockheed Martin Corporation; Northrop Grumman Corporation; OneWeb; SES Americom, Inc.; Space Exploration Technologies Corp.; SSL; and ViaSat, Inc. SIA Associate Members include: ABS US Corp.; Artel, LLC; COMSAT Inc.; DigitalGlobe Inc.; DRS Technologies, Inc.; Eutelsat America Corp.; Global Eagle Entertainment; Glowlink Communications Technology, Inc.; Hughes; iDirect Government Technologies; Inmarsat, Inc.; Kymeta Corporation; O3b Limited; Panasonic Avionics Corporation; Planet Labs Inc.; TeleCommunication Systems, Inc.; Telesat Canada; TrustComm, Inc.; Ultisat, Inc.; and XTAR, LLC.

² FCC Public Notice, NTIA Letter Regarding Information and Certifications from Applicants and Petitioners for Certain International Authorizations, IB Docket No. 16-155, DA 16-531, page 1 (“FCC Public Notice”); Letter from Assistant Secretary Lawrence E. Strickland, NTIA, to FCC Secretary Marlene H. Dortch (May 10, 2016) (“NTIA Letter”).

and related matters” and a certification from applicants for “international section 214 authorizations (and transfers thereof), section 310 rulings, submarine cable landing licenses and satellite earth station authorizations.”³

SIA agrees with the stated intent of expediting the Team Telecom review process. At the same time, the FCC should ensure that its new disclosure requirements do not inadvertently and unnecessarily result in routine reviews of types of applications in which Team Telecom historically has not taken an interest. The wording of the Public Notice and the proposed NTIA Letter indicates that the scope of the suggested new process could include non-common carrier earth station applicants and common carrier earth station applicants *with no reportable foreign ownership*. For example, the Public Notice characterizes the NTIA Letter as proposing that “the Commission . . . require applicants seeking . . . satellite earth station authorizations” to file a proposed certification.⁴ So too, the opening of the NTIA Letter requests the Commission to require new information and a certification in “satellite earth station authorizations.”⁵ The language appears to apply to *any satellite earth station*, even if there is no reportable foreign ownership or the earth station is operated on a non-common carrier basis.

SIA believes that the Commission should carefully limit the scope of any new disclosure obligation to ensure that it does not burden parties filing applications that typically would not be of interest to Team Telecom. Given the number of earth station applications annually, the bureaucratic backup occasioned by this approach could undo the current flexible and competitive

³ NTIA Letter at 1.

⁴ FCC Public Notice at 1. SIA notes, however, that earth station applicants are not included in the actual certification proposal from NTIA. *See* NTIA Letter at 6, Attachment A (certification proposal for applicants or petitioners for a “Submarine Cable Landing License, Authorization for an International Section 214, or Authorization to exceed the foreign ownership benchmarks under Section 310(b) of the Communications Act”).

⁵ NTIA Letter at 1.

fixed satellite service marketplace. During April 2016 alone, the FCC’s IBFS database indicates that more than 60 earth station applications were filed. The information requirements the NTIA letter seeks to impose are substantial, including financial data that would be unnecessarily burdensome to the average earth station applicant with no offsetting benefits in the vast majority of such cases.⁶ Requiring the provision of such information would also run counter to the FCC’s policy for streamlined processing of routine earth station applications.⁷ Indeed, the FCC recently completed a lengthy rulemaking process designed to eliminate unnecessary information requirements in order to expedite satellite and earth station licensing.⁸ Finally, if Team Telecom were to take a particular interest in a specific non-common carrier earth station application, it would retain the ability to intervene during the relevant public notice period and then solicit information from the applicant(s) (e.g., through use of the Department of Justice’s “Triage Questionnaire”).

For the reasons set forth above, NTIA’s apparent proposal to require additional information on an *ex ante* basis from *all applicants* seeking satellite earth station authorizations would be contrary to the public interest and unnecessarily over-inclusive. Accordingly, SIA requests that any FCC notice of proposed rulemaking addressing issues raised in the NTIA Letter

⁶ Moreover, it is not clear how some such information is related to national security or foreign ownership concerns – e.g., “financial conditions and circumstances”. See Statement of Commissioner Michael O’Reilly on NTIA Foreign Ownership Review Letter, available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0512/DOC-339350A1.pdf (“At first glance, the requirements suggested by the Administration seemingly raise a host of issues unrelated to foreign ownership review.”).

⁷ 47 C.F.R. § 25.115(a)(3) (“Unless the Commission orders otherwise, an application filed on FCC Form 312EZ in accordance with paragraph (a)(2) of this section will be deemed granted 35 days after the date of the public notice that the application has been accepted for filing, provided no objection is filed during the 30-day public notice period.”).

⁸ *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713 (2015); *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Report and Order, 28 FCC Rcd 12403 (2013).

focus on maintaining—and not expanding—the scope of information required in applications typically not subject to Team Telecom review. Consistent with that approach, the FCC should not propose any new information or certification requirements for non-common carrier earth station applicants or common carrier earth station applicants with no reportable foreign ownership.

Respectfully submitted,

/s/

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