

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

In the Matter of)	
)	
Petition for Rulemaking to Permit MVDDS)	RM-11768
Use of the 12.2-12.7 GHz Band for Two-Way)	
Mobile Broadband Service)	
)	

OPPOSITION OF WORLDTVU SATELLITES LIMITED

WorldVu Satellites Limited, doing business as OneWeb (“OneWeb”), files this statement opposing the above-captioned Petition of MVDDS 5G Coalition for Rulemaking (the “Petition”).¹ The MVDDS 5G Coalition (the “Coalition”) is comprised of 10 local multichannel video distribution and data service (“MVDDS”) licensees plus DISH Network L.L.C., a direct broadcast satellite (“DBS”) licensee. The Coalition asks the Federal Communications Commission (“FCC” or “Commission”) to re-examine long-settled technical limits in the 12.2–12.7 GHz band so that it may offer two-way mobile broadband services instead of one-way fixed service as currently permitted. Crucially, the Coalition seeks to eradicate, or downgrade to secondary, the non-geostationary satellite orbit (“NGSO”) Fixed Satellite Service (“FSS”) allocation in 12.2–12.7 GHz band.²

OneWeb’s opposition to eliminating the NGSO FSS primary allocation in the 12.2–12.7 GHz band is simple: on April 28, 2016, OneWeb filed an FCC application seeking access to the

¹ Petition of MVDDS 5G Coalition for Rulemaking (filed April 26, 2016) (“Petition”); Consumer & Government Affairs Bureau, Public Notice Report No. 3042 (May 9, 2016).

² Petition at 7-8 (“the NGSO FSS co-primary allocation and protection rules will need to be eliminated”).

U.S. market for its planned NGSO satellite system to use these frequencies.³ OneWeb’s constellation of 720 low earth orbit satellites will provide high-speed, affordable broadband connectivity to anyone, anywhere; helping to solve the policy dilemma governments around the world have struggled with since the time of Alexander Graham Bell—providing access to those currently unconnected or underserved.

The Commission’s 2016 Broadband Progress Report found that one in ten Americans lack access to high-speed broadband, and that the problem was particularly acute in rural areas and in tribal lands.⁴ FCC Chairman Wheeler recently identified one of his agency’s “mission-critical goals” as “assuring that even those in the most remote communities have access to high-speed Internet.”⁵ OneWeb’s innovative NGSO system will bring Internet connectivity to these areas with limited or no service today (so called “Not-Spots”). The OneWeb constellation will support a variety of critical applications in the United States and across the globe including: community and residential Internet connectivity, cellular backhaul, mobility services and emergency communications.

³ WorldVu Satellites Limited, Petition for Declaratory Ruling Granted Access to the U.S. Market for the OneWeb System, File No. SAT-LOI-20160428-00041 (filed Apr. 26, 2016).

⁴ Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act at ¶ 4, GN Docket No. 15-191, *2016 Broadband Progress Report*, FCC 16-6 (Jan. 29, 2016) (finding that 39 percent of Americans in rural areas and 41 percent of Americans in tribal lands lack access to advanced telecommunications capability).

⁵ Remarks of Chairman Tom Wheeler As Prepared for Delivery 19th Annual Satellite Leadership Dinner, Washington D.C. (Mar. 7, 2016), *available at* <https://www.fcc.gov/document/chairman-wheeler-remarks-satellite-leadership-dinner-march-7-2016>.

The Coalition’s petition, therefore, is premised on a *mistake of fact*: that “the 12.2–12.7 GHz band will not be unused by NGSO systems.”⁶ It will be used by OneWeb. Moreover, the Commission and OneWeb are aware of other NGSO FSS systems working to perfect their own ITU satellite network filings in this spectrum.⁷ Indeed, OneWeb anticipates that the FCC will soon establish a cut-off date for the filing of other NGSO FSS systems in this band.

The Coalition is also wrong to suggest that carving a 500 MHz chunk out of the NGSO FSS primary Ku-band spectrum allocation is of no consequence because adjacent spectrum will remain available.⁸ The OneWeb system is designed for maximum sharing of spectrum used by GSO communications satellites. To accomplish this, a multiplicity of sophisticated hardware, complex modulation, and error correction are required. The Coalition’s approach of reducing the total spectrum available to NGSO FSS operations would make such spectrum efficiencies difficult or impossible to achieve. This is particularly concerning as OneWeb’s system is designed to meet existing sharing limits in the band—Section 25.146 of the FCC’s rules, Article 22 of the ITU Radio Regulations, and the MVDDS sharing criteria codified in Section 25.208(o) of the rules.⁹

Plus, the Commission previously has addressed the issue of a return MVDDS channel, and comprehensively rejected it.¹⁰ The Coalition’s request thus amounts to little more than a late

⁶ Petition at 22.

⁷ See Radio Regulations Board Document RRB16-2/6-E (Apr. 22, 2016) (submissions to transfer certain Space Network filings from the Norwegian to the United States Administration).

⁸ Petition at 24 (“Thus any change in the NGOS FSS allocation at 12.2–12.7 GHz would not preclude future NGSO FSS operations at 11.7–12.2 GHz, which will remain available for their use on a primary basis”).

⁹ 47 C.F.R. §§ 26.146 and 25.208(o); International Telecommunication Union Radio Regulations, Art. 22 (2012 rev. 2015).

¹⁰ *Multichannel Video Distribution and Data Service*, Memorandum Opinion and Order and Second Report and Order, 17 FCC Rcd 9614, ¶¶ 136-37 (2002). See also *Operation of NGSO*

filed petition for reconsideration of settled policy. Indeed, the Coalition fails to specify just how it would protect the DBS allocation. The Coalition's omission of a technical analysis stands in stark contrast to OneWeb's careful demonstration of non-interference both to DBS and MVDDS consistent with current rules.

In sum, the enormous potential for Ku-band NGSO FSS to connect the world with affordable and effective broadband Internet access is about to be realized. The Commission should not put this development at risk by altering the long-standing rules and spectrum allocations that today allow for a balanced use of the 12.2–12.7 GHz band by DBS, NGSO FSS and MVDDS. OneWeb thus opposes the Coalition's Petition as contrary to the public interest in the deployment of NGSO FSS broadband Internet access and recommends that the FCC not commence a rulemaking.¹¹

Respectfully submitted,

/s/ Kalpak S. Gude

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June 8, 2016

FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, First Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 4096 (2000).

¹¹ Under the Administrative Procedure Act, an agency's refusal to grant Petitions for Rulemaking is not subject to judicial review. *Attorney General's Manual on the Administrative Procedure Act* at 39 (1947) ("Neither the denial of a petition [for Rulemaking], nor an agency's refusal to hold public rule making proceedings thereon, is subject to judicial review."), available at <https://ia601902.us.archive.org/19/items/AttorneyGeneralsManualOnTheAdministrativeProcedureActOf1947/AttorneyGeneralsManualOnTheAdministrativeProcedureActOf1947.pdf>.