



June 17, 2016

VIA ECFS

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

Re: Notice of Oral *Ex Parte* - Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, GN Docket No. 14-177

Dear Ms. Dortch:

On June 15, 2016, representatives of the Satellite Industry Association (“SIA”)¹ met with Edward Smith, Legal Advisor from Chairman Wheeler’s office to discuss the above referenced proceeding.

In the meeting, SIA noted that the satellite industry has invested billions of dollars in the 28 GHz band and is currently operating in the band to bring connectivity

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. Since its creation twenty years ago, SIA has advocated on behalf of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business. 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.

services to millions of subscribers, and to enable services to millions more, including unserved and underserved communities. The satellite industry has made this investment based on the existing U.S. and International Tables of Allocations in which FSS is a co-primary service, although satellite FSS services are secondary only to LMDS stations in the U.S., according to the Commission's Ka-Band Plan. A departure from this stable regulatory environment could stifle investment, innovation, and ultimately competition.

SIA expressed confidence that equitable sharing of the 28 GHz band is possible between terrestrial and satellite providers, given realistic 5G deployment scenarios. However, the following fundamental components are required to ensure success:

- FSS space stations need to be protected from potential harmful aggregate interference from UMFU operations on a co-primary basis, as has been identified as an issue in previous filings². This essential element also pertains to non-U.S. space stations, who enjoy equal protections from interference as U.S. space stations under treaty obligations even though they may not be serving the U.S., particularly in the absence of FCC codification into the rules of the technical power levels permitted towards the sky from UMFU systems.
- Individually licensed FSS earth stations should be afforded co-primary status at 28 GHz, both currently licensed FSS earth stations and grandfathering provided to those applications that are filed before the UMFU auction. Future FSS earth stations, measuring in the hundreds, need to have some flexibility in location given the diversity of satellite systems and applications and should be granted co-primary status under appropriate safe harbor rules. Secondary markets and auctions will not work for FSS earth stations, given the different needs, competitive, and financial incentives of UMFU operators.

SIA requested that the FCC obtain further comments regarding the 37/39 GHz band before any rule-making. The record reflects the substantial planning and early testing for the satellite industry to deploy commercial satellites utilizing the 37/39 GHz band, reflecting investments for high-throughput satellites that will provide valuable services to U.S. customers; yet it is incomplete with respect to spectrum sharing measures and other regulatory requirements for receive-only earth stations and UMFU to operate on a shared basis.

SIA is committed to identifying a solution to sharing the 28 GHz band with terrestrial providers. However, a recognition of satellite services as co-primary status for both space stations and earth stations, and obtaining further comments for the 37/39

² See filing by EchoStar, Inmarsat, Intelsat, O3b Limited, OneWeb, SES Americom, Inc., and ViaSat Inc., May 10, 2016 GN Docket No. 14-177, IB Dockets No. 15-256 & 97-95, RM-11664, WT Docket No. 10-112.

GHz band are key elements of future success for sharing the bands with terrestrial providers.

Attending on behalf of SIA were: Tom Stroup (SIA), Charity Weeden (SIA), Mariah Shuman (O3b), Jennifer Manner (EchoStar), Kim Kolb (Boeing), Thomas Tycz (Goldberg, Godles, Wiener & Wright, LLP for Iridium), Jennifer Warren (Lockheed Martin), Giselle Creeser (Inmarsat), Kalpak Gude (OneWeb), John Janka (Latham & Watkins LLP for Viasat), Petra Vorwig (SES), Cynthia Grady (Intelsat), Robert Koppel (Lukas Nace for Kymeta), Bruce Olcott (Jones Day for Boeing), Suzanne Malloy (O3b), and Chloe Johnson (SIA).

Respectfully submitted,

SATELLITE INDUSTRY ASSOCIATION

By: /s/ Tom Stroup

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Cc:
Mr. Edward Smith, Legal Advisor, Office of the Chairman of the FCC