

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Petition for Rulemaking)
To Amend Eligibility Requirements in Part 78)
Regarding 12 GHz Cable Television)
Relay Service)

CS Docket No. 99-250

RM No.

RECEIVED

AUG 16 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF SKYBRIDGE L.L.C.

SkyBridge L.L.C. ("SkyBridge"), by its attorneys, hereby submits these comments on the above-captioned Notice of Proposed Rulemaking (the "NPRM") proposing an expansion of the permitted terrestrial users of frequencies in the 12.7-13.2 GHz band ("12 GHz band") to include private cable operators ("PCOs") and other multichannel video programming distributors ("MVPDs"), for the delivery of video programming.^{1/} SkyBridge is an applicant before the Commission for authority to launch and operate a non-geostationary orbit ("NGSO") Fixed Satellite Service ("FSS") system in the Ku-band (the "SkyBridge System"), including the subject 12 GHz band.

SkyBridge supports equitable sharing among terrestrial and satellite operators in the Ku-band. In the Ku-band NGSO FSS proceeding,^{2/} SkyBridge

^{1/} FCC 99-166, released July 14, 1999. The 12.7-13.25 GHz band is currently available to licensees in the Cable Television Relay Service ("CARS").

^{2/} See Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band and Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct

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(continued...)

proposed a comprehensive regulatory regime that will protect terrestrial operations and expansion, without imposing unnecessary burdens on NGSO FSS systems.^{3/} In particular, as the SkyBridge System has been designed to protect existing point-to-point systems in the subject band, and to allow for expansion of such networks, SkyBridge did not oppose the specific proposals in the Petition for Rulemaking of OpTel, Inc.,^{4/} from which the instant NPRM stems.^{5/} So long as such links are subject to the standard coordination procedures used to coordinate terrestrial facilities and satellite earth stations,^{6/} such use should not significantly inhibit sharing between the Fixed Service ("FS") and NGSO FSS services. Assuming the Commission includes such conditions in any adopted rules, SkyBridge does not oppose the specific changes proposed.^{7/}

^{2/} (...continued)

Broadcast Satellite Licensees and Their Affiliates, ET Docket No. 98-206, RM-9147, RM-9245, FCC 98-310 (rel. Nov. 24, 1998).

^{3/} See Comments of SkyBridge, filed March 2, 1999 (the "SkyBridge Ku-band NPRM Comments"), at 66.

^{4/} Petition for Rulemaking of OpTel, Inc., filed April 1, 1998 ("OpTel Petition"). OpTel proposed to expand the class of point-to-point users of the band to include Private Operational Fixed Point-to-Point Microwave Service ("OFS"), for use for the "final RF link in the chain of transmission of program material to cable television systems, multipoint distribution systems, or master antenna TV systems." OpTel Petition at 1. As noted in the NPRM, OpTel proposes to use the 12 GHz band for coordinated point-to-point ("hub-to-hub") links, and not for uncoordinated multipoint distribution. NPRM at 1, 4.

^{5/} SkyBridge Ku-band NPRM Comments at 75.

^{6/} See id. at 70.

^{7/} The Commission clarifies that by "point-to-multipoint," it means "a service in which one or more transmitters at a hub distribute signals to multiple receiver sites, as specified in the CARS authorization. As used in this Notice, the term (continued...)

However, the Commission, on its own motion, broadened the NPRM "to include consideration of the expanded use of the 12 GHz CARS band by other MVPDs."^{8/} The Commission particularly seeks comment on the "possible drawbacks of expanding CARS eligibility, particularly with respect to issues of spectrum management and allocation."^{9/}

As it explained in the Ku-band NGSO FSS proceeding, SkyBridge does not object to expanding CARS eligibility in general. SkyBridge cautions the Commission, however, against expanding the terrestrial users of this band to include dissimilar terrestrial operations, such as point-to-multipoint distribution systems (i.e., transmissions to multiple, uncoordinated receiving locations), or use of wide-beam antennas, or to introduce different licensing regimes, such as area-wide licensing.^{10/} Such changes would significantly alter the sharing environment in the band, adversely affecting both satellite and current FS users alike. Therefore, in expanding CARS

^{7/} (...continued)
does not include transmissions to multiple, unspecified receiving locations." NPRM at 2, n.8 (emphasis added). Such clarification should be incorporated in any rules adopted for this band.

^{8/} NPRM at 2.

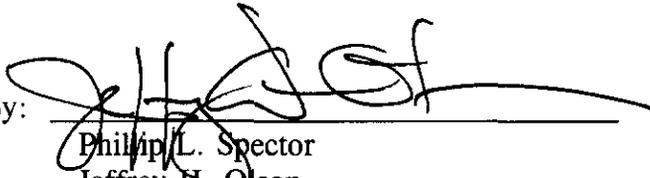
^{9/} Id. at 3.

^{10/} Sufficient allocations for such uses already exist in the 2.5 GHz, 24 GHz, and 28 GHz bands, for the Multichannel Multipoint Distribution Service ("MMDS"), the Digital Electronic Message Service ("DEMS"), and the Local Multipoint Distribution Service ("LMDS"), respectively. See 47 C.F.R. § 21.901; §§ 101.147(r), 101.505; and § 101.1005.

eligibility, SkyBridge urges the Commission to adhere to the limited request of OpTel, and expand the permitted use of the band to include only individually coordinated terrestrial links.

Respectfully submitted,

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