

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Parts 25, 74, 78 and 101 of the)
Rules regarding Coordination between the Non-)
Geostationary and Geostationary Satellite Orbit) ET Docket No. 03-254
Fixed-Satellite Service and Fixed, Broadcast)
Auxiliary and Cable Television Relay Services in)
The 7 GHz, 10 GHz and 13 GHz Frequency Bands)
)
To: The Commission

COMMENTS OF SKYBRIDGE L.L.C.

SkyBridge L.L.C. (“SkyBridge”) hereby responds to those portions of the Notice of Proposed Rulemaking (“NPRM”) released by the Commission in the above-referenced proceeding¹ that address spectrum sharing among non-geostationary satellite orbit (“NGSO”) fixed-satellite service (“FSS”) systems and terrestrial systems operating in the Broadcast Auxiliary Service (“BAS”) and Cable Television Relay Service (“CARS”) in the 12.75-13.25 GHz (“13 GHz”) band.²

¹ In the Matter of Amendment of Parts 25, 74, 78, and 101 of the Rules regarding Coordination between the Non-Geostationary and Geostationary Satellite Orbit Fixed-Satellite Service and Fixed, Broadcast Auxiliary and Cable Television Relay Services in the 7 GHz, 10 GHz and 13 GHz Frequency Bands, Notice of Proposed Rulemaking, ET Docket No. 03-254, FCC 03-318, December 23, 2003 (the “NPRM”). The NPRM was published in the Federal Register at 69 Fed. Reg. 4908 on February 2, 2004.

² Those portions of the NPRM that address spectrum sharing among NGSO FSS systems and Fixed Service (“FS”) operations in the 10.7-11.7 GHz band are addressed in separate comments filed jointly by SkyBridge and the Fixed Wireless Communications Coalition (“FWCC”). The NPRM also addresses: (1) sharing in the 13 GHz band between terrestrial services and geostationary satellite orbit (“GSO”) FSS earth stations; and (2) sharing between terrestrial and satellite services in the 6875-7075 MHz (“7 GHz”) bands. SkyBridge does not comment on those aspects of the NPRM.

These issues initially were raised and addressed in ET Docket No. 98-206, the main proceeding that developed a regulatory scheme to permit, *inter alia*, the operation of NGSO FSS systems at Ku-band.³ In that proceeding, the Commission expanded the use of the 13 GHz band by NGSO FSS gateway earth stations to include the 13.15-13.2125 GHz segment, but excluded such operations within 50 km of the top 100 television markets, in order to limit the impact on existing BAS and CARS use of the band for mobile television pickup operations.⁴ Moreover, the Commission indicated that it would not license NGSO FSS gateway earth stations in this band until appropriate sharing rules have been adopted.⁵ The instant proceeding is intended to complete that process.

To facilitate sharing in the 13 GHz band, the Commission proposes to: (1) apply the existing Parts 25 coordination rules for coordination of new NGSO FSS gateway earth stations with fixed and mobile BAS/CARS operations; (2) apply the existing Parts 101 coordination rules for coordination of fixed BAS/CARS operations with incumbent NGSO FSS gateways; and (3) allow the use of either the Part 74 and Part 78 informal *ad hoc* coordination rules, or the Part 101 coordination rules, for the coordination of mobile BAS/CARS operations with incumbent NGSO FSS gateway earth

³ 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 Frequency Range, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 98-206, FCC 00-418, Dec. 8, 2000 (the "NGSO FSS Report & Order"), ¶¶ 120-128.

⁴ 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 Frequency Range, Second Memorandum Opinion and Order, ET Docket No. 98-206, FCC 03-25, Feb. 11, 2003 (the "NGSO FSS Recon Order"), ¶¶ 11-13.

⁵ NGSO FSS Report & Order, ¶ 128; NGSO FSS Recon Order, ¶ 13.

stations.⁶ The Commission also seeks comment on whether any additions or modifications to these existing coordination provisions are required.⁷

The Commission has carefully developed the definition of NGSO FSS “gateway” to ensure that gateways will be used for limited purposes and will be limited in number.⁸ Gateways will be large, easily-identified facilities, and generally will not be located in urban areas.⁹ As SkyBridge previously has pointed out, because of the propagation characteristics of the 13 GHz band, TV stations typically use that band for short pickup links (using lower frequency bands for longer distance links). In general, NGSO FSS gateways should not affect these short links.¹⁰

Furthermore, GSO FSS earth stations have been successfully coordinated with terrestrial systems in the 13 GHz band for many years.¹¹ Fixed BAS and CARS links are coordinated under the existing Commission rules applicable to FS systems, and mobile BAS and CARS links are coordinated with each other, and with fixed BAS and

⁶ NPRM, ¶¶ 1, 22, 34.

⁷ Id.

⁸ 47 C.F.R. § 25.201; NGSO FSS Report & Order, ¶ 57, NPRM at ¶¶ 15, 20-21, 31.

⁹ Any NGSO FSS gateway that is located within 50 km of the center of one of the 100 largest television markets would not have access to the 13.15-13.2125 GHz band. NGSO FSS Recon Order, ¶¶ 11-13. Elsewhere in the NPRM, the Commission has proposed a series of special regulatory/coordination obligations on gateways’ use of the 10.7-11.7 GHz band, in order not to unduly inhibit future FS use of that band. See NPRM, ¶ 9. Typically, gateways will be designed to operate on all relevant 11 GHz and 13 GHz frequencies. Thus, constraints imposed on NGSO FSS gateways regarding the use of either the 11 GHz or 13 GHz band will, in practical terms, affect a gateway operator’s use of both bands. See Petition for Reconsideration of SkyBridge L.L.C., ET Docket No. 98-206, March 19, 2001 (“SkyBridge Petition”) at 22; NGSO FSS Report & Order, ¶ 58.

¹⁰ See SkyBridge Petition at 24-25.

¹¹ NPRM, ¶¶ 15, 26. See also SkyBridge Petition at 21.

CARS links, according to these or simpler rules for *ad hoc* coordination.¹² For this reason, all the procedures needed to provide for coordination of NGSO FSS gateway earth stations are already in place.

As the Commission notes, new NGSO FSS gateways must protect incumbent BAS/CARS operations.¹³ SkyBridge agrees that NGSO FSS operators seeking to deploy new gateways in the subject band should initiate coordination with BAS and CARS operations, whether mobile or fixed, using the coordination procedures in Sections 25.203 and 25.251.¹⁴ These procedures have already been used successfully to coordinate GSO satellite uplinks with terrestrial operations in the band. As the Commission noted, local BAS frequency coordinators should be able to assist in identifying unlicensed receive-only BAS sites used in connection with mobile transmitters.¹⁵

By the same token,¹³ new BAS and CARS links in the 13 GHz band will have to take into account the uplink transmissions of incumbent NGSO FSS gateways.¹⁶ With respect to new fixed BAS and CARS operations, SkyBridge agrees that the coordination procedures set forth in Sections 101.21(f) and 101.103(d) should apply.¹⁷

SkyBridge also agrees that new mobile BAS and CARS operations should continue to have the flexibility to use either the informal *ad hoc* local coordination procedures in Sections 74.638 and 78.36, or the coordination procedures in Section

¹² NPRM, ¶ 6.

¹³ Id., ¶ 24.

¹⁴ NPRM, ¶ 22. These rules incorporate by reference the procedures of 47 C.F.R. § 101.103(d).

¹⁵ NPRM, ¶ 24, n.39.

¹⁶ Id., ¶ 27.

¹⁷ Id., ¶ 34.

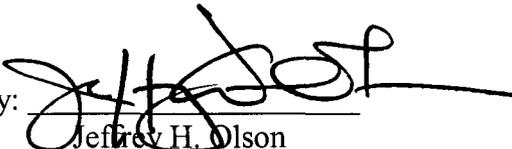
101.103(d), to coordinate with NGSO FSS gateways in the 13 GHz band.¹⁸ Either option should be acceptable to the gateway operator, particularly given that the gateways only transmit, and do not receive, in this band. Finally, as the Commission proposes, it would be useful and appropriate for NGSO FSS gateways to maintain a point of contact for rapid information exchange to assist BAS and CARS operators to coordinate short-term itinerant operations.¹⁹

CONCLUSION

SkyBridge requests that the Commission adopt a regulatory scheme to permit the operation of NGSO FSS gateways in the 13 GHz band consistent with the foregoing discussion.

Respectfully Submitted,

SKYBRIDGE L.L.C.

By: 
Jeffrey H. Olson
Diane C. Gaylor

Paul, Weiss, Rifkind, Wharton
& Garrison LLP
1615 L Street, NW, Suite 1300
Washington, DC 20036
Telephone: (202) 223-7300
Facsimile: (202) 223-7420

Its Attorneys

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¹⁸ Id., ¶ 22.

¹⁹ Id., ¶ 31.