

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

In the Matter of)	
)	
2000 Biennial Regulatory Review -)	
Streamlining and Other Revisions of)	IB Docket No. 00-248
Part 25 of the Commission's Rules)	
Governing the Licensing of, and)	
Spectrum Usage by, Satellite Network)	
Earth Stations and Space Stations)	

To: Office of the Secretary

REPLY COMMENTS OF THE GLOBAL VSAT FORUM

The Global VSAT Forum (“GVF”) hereby submits this reply in response to comments filed in the above-referenced proceeding regarding the revision of certain Part 25 rules, particularly those implicating VSAT operations.¹ GVF is the international non-profit association of the VSAT community, currently comprised of 160 members from every major region of the world. The Commission’s deliberations on the VSAT issues raised in the *Third Further Notice* will have a direct impact on GVF members, many of whom are prominent U.S. companies. GVF wishes to support the comments of the Satellite Industry Association (“SIA”) and Spacenet Inc. and StarBand Communications Inc. (“Spacenet”) addressing (1) EIRP density masks; (2) contention protocols; and (3) NRAO coordination. GVF also addresses certain points raised by AvL Technologies, Inc. (“AvL”).

EIRP Density Masks. GVF supports SIA’s comments with regards to the FCC’s proposed EIRP density mask. In its comments, SIA proposes several well-considered

¹ 2000 Biennial Regulatory Review Streamlining and Other Revisions of Part 25 of the Commission’s Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Sixth Report and Order and Third Further Notice of Proposed Rulemaking*, IB Docket No. 00-248, FCC 05-62 (rel. Mar. 15, 2005) (“*Third Further Notice*”).

refinements to the Commission's proposed approach that GVF believes should be adopted. Specifically, SIA proposed separate masks for larger and smaller antennas given the disparate consequences of pointing errors in each antenna category.² SIA also proposed an alternative approach that incorporates incentives for licensees to deploy terminals capable of greater pointing accuracy.³ GVF believes that separate masks for larger and smaller antennas would increase flexibility and interference protection for satellite operators without sacrificing an easily-administered, unambiguous regulatory framework. Adopting two sets of off-axis EIRP density limits would address potential interference more effectively by using limits that are appropriate to the size of the antenna.

AvL in its comments proposes that the EIRP mask could begin at 1.7 degrees for antenna systems having computer based pointing systems of 0.3° accuracy. Antennas that can demonstrate a 0.3 degree pointing accuracy would only need to show compliance for angles greater to or equal to 1.7 degrees in a two degree spacing environment. For this reason, antennas that only meet the EIRP mask beyond 1.7 degrees should be exempt of coordination, if they can convince the Commission in their application of the accuracy of the antenna pointing mechanism. The GVF is supportive of this view, so long as the implementation of this change in the Commission's rules is done in a way that is technologically neutral. Other means of improving pointing accuracy may exist or be developed that should be taken into account in any new rules. Not doing so could lead to certain companies gaining a competitive advantage over other companies.

The GVF, which has AvL a member, does not believe that AvL in its comments propose to add specifications on wind loading or any other such parameter into Part 25 of the Commission's rules. These parameters are intended as illustrative of the complex set of

² SIA's proposed envelopes are discussed on pp. 16-18 of its comments.

³ SIA Comments at 19.

specifications which an antenna designer must take into account when designing antennas pointing systems that are capable of maintaining high levels of pointing accuracy. These and other terms would need to be provided in a technical showing supporting a claim of high levels of pointing accuracy.

Contention Protocols. Spacenet and SIA each urge the Commission to refrain from adopting specific regulations applicable to VSAT systems that use contention protocol channels. Spacenet suggests that earlier proposals supporting stringent regulation of contention protocols were motivated not by the need to prevent interference but rather by the desire to create a market for proprietary access schemes.⁴ SIA also shows that there is no evidence that contention protocol channels cause harmful interference and concluded that the Commission therefore should disregard questionable and unsupported claims to the contrary.⁵ GVF members have not experienced any contention protocol interference problems that would justify the adoption of burdensome new regulations. Indeed, in contrast to those who earlier urged new regulation, SIA has furnished a rigorous and verifiable analysis demonstrating why contention protocol channels are not causing harmful interference to adjacent satellite operations or anyone else. Significantly, no party has shown in response to the *Third Further Notice* that it is being harmed under the current regulatory framework, and no party supports the adoption of the proposed new regulations. As a result, GVF strongly agrees with the comments of SIA and Spacenet and accordingly urges the Commission to avoid creating new layers of regulation in the absence of any demonstrated evidence of harm.

NRAO Coordination. The *Third Further Notice* sought comment on the proposal of the National Radio Astronomy Observatory (“NRAO”) to require coordination before the

⁴ Spacenet Comments at 3.

⁵ SIA Comments at 30-31.

installation of remote earth stations in the National Radio Quiet Zone. No party, including NRAO, filed comments in support of this proposal. SIA opposes the proposal, characterizing it as unnecessary because the current system is more than adequate to accommodate NRAO's concerns.⁶

GVF concurs with the views expressed by SIA in its comments. NRAO, just like other interested parties, has ample opportunity to review applications for remote earth stations and to register objections or concerns with the Commission. There is no evidence that the current process is inadequate for the protection of NRAO's interests, and no party filing comments offered such evidence. The problems associated with NRAO's proposal for prior individual coordinations, on the other hand, would seriously hamper and delay the deployment or modification of VSAT systems to the detriment of end users. Among other concerns, there is no indication that NRAO has the resources or capability to address coordination duties in a timely or responsible manner. GVF submits that NRAO's proposal seriously would delay the approval of VSAT applications without any concomitant benefit to NRAO or the public. Accordingly, the Commission should not adopt NRAO's proposal.

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GVF appreciates the Commission's efforts to update its rules to accommodate the continued advances in VSAT operations, and in that spirit, GVF supports SIA's refinement of the Commission's EIRP density mask proposal. GVF agrees with Spacenet and SIA that proposals to regulate contention protocols, and to impose a coordination requirement as suggested by NRAO, are unjustified. Based on the record in this proceeding, GVF urges the Commission to foster the deployment of VSAT systems and services by providing the industry

⁶ SIA Comments at 42-45.

with the flexibility it deserves, rather than to burden VSAT operations unnecessarily with new unwarranted regulations.

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