

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

In the Matter of)
)
Amendment of Parts 2 and 25 of the Commission's)
Rules to Allocate Spectrum and Adopt Service Rules) RM No. 11336
and Procedures to Govern the Use of Vehicle Mounted)
Earth Stations in Certain Frequency Bands Allocated)
to the Fixed-Satellite Service)

To: The Commission

**COMMENTS OF SES AMERICOM, INC.
AND AMERICOM GOVERNMENT SERVICES**

SES Americom, Inc. (“SES Americom”) and Americom Government Services (“AGS”) (collectively referred to herein as “Americom”), by their attorneys and pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.415, hereby submit these comments in response to the Commission’s Notice of Proposed Rule Making in the above-captioned proceeding, FCC 07-86, (released May 15, 2007) (the “*Notice*”). In the *Notice*, the Commission requests comment on the rules and policies that should apply to operation of vehicle-mounted earth stations (“VMESs”) in the standard and extended Ku-band frequencies allocated to the fixed-satellite service (“FSS”).

SES Americom is a member of the Satellite Industry Association (“SIA”), and fully supports the submission SIA is making in response to the *Notice*. Americom, which previously filed comments in response to the petition for rulemaking that led to the *Notice*,¹

¹ Comments of SES Americom, Inc. and Americom Government Services on Petition for Rule Making in RM-11336, filed August 21, 2006 (“Americom RM-11336 Comments”).

writes separately here to provide our perspective on the benefits of the proposed VMES service and to highlight what we view as the most important elements of the VMES regulatory framework endorsed by SIA.

I. ADOPTION OF VMES RULES WILL PROMOTE DEPLOYMENT OF SATELLITE-BASED MOBILE BROADBAND SERVICES TO SATISFY IMPORTANT CUSTOMER REQUIREMENTS

As Americom previously explained, we believe that adoption of rules to permit licensing and operation of VMES terminals will “open the door to new satellite-based mobile broadband services to meet critical government service, public safety, and disaster recovery needs.” Americom RM-11336 Comments at 2. Both Americom and AGS have been directly involved in efforts to meet these needs.

In particular, AGS has pending before the Commission applications for VMES terminals that would operate using spacecraft licensed to SES Americom and its affiliates.² AGS has been talking with prospective customers of the VMES service, and interest in this offering is very strong, particularly from military users. The AGS service is attractive because it allows customers to have mobile broadband service at speeds comparable to cable modem service and supports a full range of IP applications.

Although the greatest interest to date has been from military customers, the AGS network also can be used by other public service entities. For example, the mobile terminals can provide emergency response capabilities and business continuity in the event of a natural or man-made disaster.

² See File Nos. SES-LIC-20070509-00584 (Call Sign E070088) and SES-LIC-20070509-00585 (Call Sign E070089). These applications were placed on public notice by the Commission in May, and no party has opposed them.

As a satellite services operator, SES Americom has significant experience with terrestrial mobile satellite services and the technical issues associated with such operations. The Qualcomm network mentioned in the *Notice* that was authorized in 1989 (at ¶ 8) uses Ku-band space segment provided by SES Americom, and to SES Americom's knowledge, there have been no complaints of harmful interference resulting from Qualcomm's operations.

SES Americom has also been approached by other prospective providers of new terrestrial-based mobile satellite services who want to offer mobile broadband service that can be used when terrestrial service may not be available. By expeditiously proceeding to adopt rules to facilitate VMES network deployment, the Commission can lay the groundwork for offerings that will provide governmental, public safety, and commercial users critical broadband service capacity in circumstances where terrestrial service cannot reasonably be deployed, or where such service is temporarily unavailable due to natural disaster, terrorist attack, or other catastrophic event.

II. VMES REGULATION SHOULD ALLOW SERVICE PROVIDERS THE FLEXIBILITY NEEDED TO MEET USER NEEDS

The SIA Comments in this proceeding provide a comprehensive response to the Commission's request for comments on the appropriate regulatory framework for VMES operations. Americom strongly agrees with SIA that operation of VMES networks is compatible with the Commission's two-degree spacing policies, and that rules for VMES licensing should accord operators significant flexibility while ensuring protection of adjacent satellites. We discuss here three elements that Americom believes are critical to VMES policies.

First, VMES operation should be accorded primary status as an application of the Fixed-Satellite Service. As with earth stations on vessels ("ESVs") and fixed VSAT terminals, license applications for VMES terminals should be evaluated based on whether they can operate

successfully in a two-degree spacing environment. If so, the VMES antennas should be licensed as a primary service and entitled to interference protections equivalent to those provided to other FSS networks.

Second, the Commission should allow VMES applicants to demonstrate that they can operate without causing harmful interference even if their systems do not comply with the pointing accuracy requirements proposed in the *Notice*. As Americom has observed previously, it may be difficult for VMES terminals, especially when operating in off-road conditions, to maintain strict pointing accuracy. Americom RM-11336 Comments at 5. These networks may nevertheless be able to demonstrate that they will not cause harmful interference to adjacent satellites, particularly if they are using low transmit power. *Id.* at 5-6. Accordingly, the Commission should license VMES systems that do not meet the strict pointing accuracy requirements if the applicant demonstrates that its operations will not cause harmful interference or that it has successfully coordinated the proposed operations with adjacent satellite networks.

Third, Americom reiterates its concern that in some cases, it may not be appropriate to apply to VMES operations the terminal recording data requirements that apply to ESV networks. *See id.* at 5. In particular, military customers are likely to be interested in using VMES terminals for sensitive maneuvers, and in such cases, compliance with the data recording and sharing requirements applicable to ESVs could undermine serious national security interests. Thus, Americom suggests that the Commission take these considerations in account in determining what data recording requirements should apply to VMES terminals and in ruling on any requests for waiver of the data recording rules.

III. CONCLUSION

For the foregoing reasons, SES Americom and AGS urge the Commission to expeditiously adopt rules for the operation of VMES networks in Ku-band FSS spectrum consistent with the recommendations made herein and in the SIA comments being filed in this proceeding.

Respectfully submitted,

SES AMERICOM, INC. & AMERICOM GOVERNMENT SERVICES

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