



May 6, 2010

BY ELECTRONIC SUBMISSION:

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in IB Docket No. 06-154

Dear Ms. Dortch:

On May 5, 2010, the Satellite Industry Association (“SIA”) and representatives of several of its member companies met with Robert Nelson, Fern Jarmulnek, Cassandra Thomas, Stephen Duall, Andrea Kelly, Kal Krautkramer, and Sankar Persaud of the Commission’s International Bureau to present SIA proposals for modifications to the regulations in Part 25 of the Commission’s Rules. SIA was represented by Patricia Cooper, President. The participating SIA member companies were The Boeing Company (represented by Audrey Allison and Alan Rinker), DBSD North America, Inc. (represented by Peter Corea), Hughes Network Systems, LLC (represented by Steven Doiron and by Stephen Baruch of Lerman Senter LLC), Inmarsat, Inc. (represented by Christopher Murphy), Integral Systems, Inc. (represented by James Kramer), Intelsat, Ltd. (represented by Sue Crandall, Jose Albuquerque, and by Jennifer Hindin of Wiley Rein LLP), Lockheed Martin Corporation (represented by Giselle Creeser), SES World Skies (represented by Daniel Mah), and SkyTerra Communications, Inc. (represented by Thomas Tycz).

SIA’s proposals for Part 25 are designed to help ensure that the information the FCC requires from space and earth station applicants and licensees will track more closely than it currently does with the information the FCC requires to perform its regulatory functions here in the United States (including its relationship with NTIA and other federal agencies), on a bilateral basis with other administrations, and under the Radio Regulations of the International Telecommunication Union. SIA intends that its proposals will eliminate information the FCC does not require to assess the potential for interference to other operators and services; will generate information that allows a more meaningful and current assessment of a proposed space or earth station’s potential to cause interference; will allow reductions in application processing time and efficiency; that will reduce (and hopefully eliminate) unnecessary burdens on applicants and the FCC staff in terms of information production and review; will improve applicant and agency efficiency in a meaningful way.

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The SIA proposals for Part 25, which have been under active development for more than six months, overlap with several of the proposals the Commission made in its January 26, 2010 Notice of Proposed Rule Making in the above-referenced docket. In addressing these overlapping SIA and Commission proposals, the SIA participants expressed views that are consistent with the views expressed in the Comments of the Satellite Industry Association, IB Docket No. 06-154, as filed with the Commission on April 28, 2010. The specific SIA proposals discussed and the views expressed on those rules by SIA are included in the Attachment to this notice.

SIA submits this *ex parte* notice, with its Attachment, into the record of the referenced proceeding in accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206.

Please direct any questions regarding this notice to me.

Respectfully yours,



Patricia Cooper
President

Attachment

cc (w/Att., by e-mail): Robert Nelson
Fern Jarmulnek
Cassandra Thomas
Stephen Duall
Andrea Kelly
Kal Krautkramer
Sankar Persaud

Satellite Industry Association Proposed Revisions to Part 25 Rules that Overlap with IB Docket No. 06-154

Proposed Rule Change and Rationale	Existing Rule	Proposed Rule
<p>Fix general cross-references in Section 25.109 by eliminating reference to obsolete Part 83 and to reflect current practices by eliminating the prohibition on Part 25 licensing of L-band ship earth terminals.</p> <p>Indicating that “certain” earth stations in the MMSS are exclusively licensed under Part 80, and that “certain” earth stations in the AMSS are exclusively licensed under Part 87 leaves room for licensing of some “MMSS” and “AMSS” stations under Part 25 (as is the current practice).</p>	<p>25.109 The space radiocommunications stations in the following services are not licensed under this part: (a) Amateur Satellite Service, see 47 CFR part 97. (b) Ship earth stations in the Maritime Mobile Satellite Service, see 47 CFR part 83. (c) Ship earth stations in the Maritime Mobile Satellite Service, see 47 CFR part 80.</p>	<p>Modify Section 25.109 as follows:</p> <p>25.109 (a) The sSpace radiocommunications stations in the following services are not licensed under this part:</p> <p><u>(1) For licensing requirements for the</u> (a) Amateur Satellite Service, see 47 CFR part 97; <u>but Amateur Satellite Operators must comply with § 25.111(b) of this part;</u></p> <p>(b) Ship earth stations in the Maritime Mobile Satellite Service, see 47 CFR part 83.</p> <p><u>(e2) Certain s</u>ship earth stations in the Maritime Mobile Satellite Service, see 47 CFR part 80;:</p> <p><u>(3) Certain aircraft earth stations in the Aeronautical Mobile Satellite Service, see 47 CFR part 87.</u></p> <p>* * *</p> <p><i>NOTE: Changes shown in red text are proposed by the Commission in the NPRM in IB Docket No. 06-154 (released January 26, 2010). The underscored changes in black are SIA’s proposed adjustments to the NPRM proposal for new Section 25.109(a).</i></p>

Proposed Rule Change and Rationale	Existing Rule	Proposed Rule
<p>Edit Section 25.116(e) to provide correct reference to earth stations/Schedule B.</p>	<p>25.116(e) Any amendment to an application shall be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter. Amendments to space station applications must be filed on Form 312 and Schedule S. Amendments to space station applications must be filed on Form 312 and Schedule B.</p>	<p>Modify Section 25.116(e) as follows:</p> <p>25.116(e) Any amendment to an application shall be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter. Amendments to space station applications must be filed on Form 312 and Schedule S. Amendments to space-<u>earth</u> station applications must be filed on Form 312 and Schedule B.</p> <p><i>NOTE: This proposal aligns with a proposal by the Commission in the NPRM in IB Docket No. 06-154 (released January 26, 2010).</i></p>

Proposed Rule Change and Rationale	Existing Rule	Proposed Rule
<p>Edit Section 25.137 to clarify that no technical showing is required with respect to substantive compliance areas for which the foreign licensing jurisdiction has instituted a regime sufficient to protect U.S. interests (as in the orbital debris context).</p>	<p>25.137(b) Earth station applicants, or entities filing a “letter of intent,” or “Petition for Declaratory Ruling,” requesting authority to operate with a non-U.S. licensed space station must attach to their FCC Form 312 an exhibit providing legal and technical information for the non-U.S. licensed space station in accordance with part 25. Applications addressed in this paragraph must be filed electronically through the International Bureau Filing System (IBFS).</p>	<p>Modify Section 25.137(b) as follows:</p> <p>25.137(b) Earth station applicants, or entities filing a “letter of intent,” or “Petition for Declaratory Ruling,” requesting authority to operate with a non-U.S. licensed space station must attach to their FCC Form 312 an exhibit providing legal and technical information for the non-U.S. licensed space station in accordance with part 25, including but not limited to Schedule S. Such Aapplications, letters, or petitions addressed in this paragraph must be filed electronically through the International Bureau Filing System (IBFS). <u>Once a non-U.S. licensed space station has been authorized to access the United States, future earth station applications for authority to access the non-U.S. satellite, as authorized, need not provide the information requested above, and instead may reference the earlier authorizing action.</u></p> <p>NOTE: Changes shown in red text are proposed by the Commission in the NPRM in IB Docket No. 06-154 (released January 26, 2010).</p>

Proposed Rule Change and Rationale	Existing Rule	Proposed Rule
<p>Delete Section 25.210(d). Once the FSS frequencies at 20/30 GHz are added to subsection (f), as proposed immediately below, there is no requirement for a separate Ka-band provision.</p>	<p>25.210(d) All space stations in the Fixed Satellite Service in the 20/30 GHz band shall employ state-of-the-art full frequency reuse either through the use of orthogonal polarizations within the same beam and/or through the use of spatially independent beams.</p>	<p>25.210(d) <u>Not Used</u></p> <p><i>NOTE: This proposal aligns with a proposal by the Commission in the NPRM in IB Docket No. 06-154 (released January 26, 2010).</i></p>

Proposed Rule Change and Rationale	Existing Rule	Proposed Rule
<p>Modify Section 25.210(f) to specify that all FSS space stations are subject to the full frequency reuse requirement. This consolidates the FSS requirement in a single subsection, and allows for suppression of the Ka-band-specific subsection (d) as proposed immediately above.</p> <p>Further, the proposed new sentence at the end clarifies that the full-frequency reuse obligation does not apply to TT&C functions (other than those embedded within communications traffic under the proposed new provision in Section 25.202(g)(2) above.</p>	<p>25.210(f) All space stations in the Fixed Satellite Service in the 3600–3700 MHz, 3700–4200 MHz, 5091–5250 MHz, 5825–5925 MHz, 5925–6425 MHz, 6425–6525 MHz, 6525–6700 MHz, 6700–7025 MHz, 10.7–10.95 GHz, 10.95–11.2 GHz, 11.2–11.45 GHz, 11.45–11.7 GHz, 11.7–12.2 GHz, 12.2–12.7 GHz, 12.75–13.15 GHz, 13.15–13.2125 GHz, 13.2125–13.25 GHz, 13.75–14.0 GHz, 14.0–14.5 GHz, 15.43–15.63 GHz, and 24.75–25.25 GHz bands, or in the Broadcasting-Satellite Service in the 17.3–17.8 GHz band (space-to-Earth), shall employ state-of-the-art full frequency reuse either through the use of orthogonal polarizations within the same beam and/or the use of spatially independent beams.</p>	<p>Modify Section 25.210(f) as follows:</p> <p>25.210(f) All space station operations in the Fixed Satellite Service (<u>including feeder links for other space services</u>)in the 3600–3700 MHz, 3700–4200 MHz, 5091–5250 MHz, 5825–5925 MHz, 5925–6425 MHz, 6425–6525 MHz, 6525–6700 MHz, 6700–7025 MHz, 10.7–10.95 GHz, 10.95–11.2 GHz, 11.2–11.45 GHz, 11.45–11.7 GHz, 11.7–12.2 GHz, 12.2–12.7 GHz, 12.75–13.15 GHz, 13.15–13.2125 GHz, 13.2125–13.25 GHz, 13.75–14.0 GHz, 14.0–14.5 GHz, 15.43–15.63 GHz, and 24.75–25.25 GHz bands, and in the Broadcasting-Satellite Service in the 17.3–17.8 GHz band (space-to-Earth), shall employ state-of-the-art full frequency reuse either through the use of orthogonal polarizations within the same beam and/or the use of spatially independent beams. <u>This obligation does not apply to telemetry, tracking and telecommand functions (other than those operating under Section 25.202(g)(2)).</u></p> <p><i>NOTE: The changes proposed here align generally with, but differ slightly from, the changes the Commission proposed for this section in the NPRM in IB Docket No. 06-154 (released January 26, 2010).</i></p>

Proposed Rule Change and Rationale	Existing Rule	Proposed Rule
<p>Delete Section 25.210(k). There is no need for this provision, or the submission of antenna measurements to the Commission. Coordination is handled successfully for the most part on an operator-to-operator basis. Suppressing this rule would reduce obligations on both the Commission and space station licensees.</p>	<p>25.210(k) Antenna measurements of both co-polarized and cross-polarized performance must be made on all antennas employed by space stations both within the primary coverage area to facilitate coordination with other Commission space station licensees and outside the primary coverage area to facilitate international frequency coordination with other Administrations. The results of such measurements shall be submitted to the Commission within thirty days after preliminary in-orbit testing is completed.</p>	<p>25.210(k) <u>Not Used</u></p> <p><i>NOTE: This section is addressed in the Commission's NPRM in IB Docket No. 06-154 (released January 26, 2010). In SIA's view, the section, even as proposed to be revised, is unnecessary, as information applicants not provide in .gxt files with the Schedule S portion of their applications covers the requirement.</i></p>
<p>Delete Section 25.276(c). The Commission decision referenced in the rule is the <i>DISCO I</i> ruling that eliminated the distinction between domestic satellites and international separate systems, permitting all U.S.-licensed satellites to provide both domestic and international services. <i>DISCO I</i> did not impose any currently-relevant requirements that are not reflected elsewhere in Part 25.</p>	<p>25.276(c) Transmission to or from foreign points over space stations in the Fixed-Satellite Service, other than those operated by the International Telecommunications Satellite Organization and Inmarsat, are subject to the policies set forth in the Report and Order, adopted January 19, 1996 in IB Docket No. 95-41.</p>	<p>Section 25.276(c) <u>Not Used</u></p> <p><i>NOTE: This section is addressed in the Commission's NPRM in IB Docket No. 06-154 (released January 26, 2010). The proposal here varies.</i></p>