



December 22, 2010

**BY ELECTRONIC SUBMISSION:**

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

**Re: Ex Parte Presentation in RM-11429**

Dear Ms. Dortch:

By this letter, the Satellite Industry Association (“SIA”) responds to the November 23, 2010 letter from Winchester Cator, LLC (“WC Letter”).<sup>1</sup> The WC Letter was submitted in support of the petition for rulemaking that WC and the Utilities Telecom Council (“UTC”) filed jointly in 2008. That petition has been thoroughly and widely opposed by a variety of parties – including SIA and several SIA member companies – from across the satellite industry. Nothing in the WC Letter changes the technical and policy bases for the satellite industry’s strong opposition to the initiation of a rulemaking proceeding in response to the UTC/WC petition. In fact, the WC Letter underscores in several ways the need for the Commission to dismiss this ill-conceived rulemaking proposal.

The WC Letter is identified as a follow-up to an October 13, 2010 meeting WC and its co-petitioner had with staff from the Commission’s Office of Engineering and Technology. According to the *ex parte* notice of the October meeting, the participants

discussed the need for additional spectrum in the 14.0-14.5 GHz band for smart grid applications and for more robust communications by critical infrastructure industry (“CII”) entities in times of disasters and other emergencies[, and] the importance of making available spectrum in the 14 GHz band to be used on a preemptible basis for backhaul services, a critical element in continued deployment of broadband services to all Americans.”<sup>2</sup>

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<sup>1</sup> Letter dated November 23, 2010, from H. Goldberg, Attorney for Winchester Cator, LLC, to J. Knapp, Chief, Office of Engineering and Technology, FCC in RM-11429 (“WC Letter”).

<sup>2</sup> Letter dated October 14, 2010, from H. Goldberg, Attorney for Winchester Cator, LLC, to M. Dortch, Secretary, FCC in RM-11429 (“WC October Letter”).

WC presents a feasibility analysis for smart grid applications and potential smart grid applications that it asserts could use the 14.0-14.5 GHz band. WC mentions “the parameters permitted for sharing and other technical provisions.”<sup>3</sup>

SIA has previously observed that WC’s insistence that it could accept secondary status would be quickly forgotten if the Commission granted WC’s request and the contemplated fixed services began experiencing interference from ubiquitously-deployed satellite terminals. The recent submissions by WC reinforce that concern. Nowhere in its recent filings does WC mention the word “secondary;” it speaks instead of “preemptible” use and sharing.<sup>4</sup> WC also has migrated away from mention of the narrow concepts of critical information infrastructure, and now is talking about generic smart grid applications and multichannel WIMAX or LTE Broadband point-to-multipoint services. The presentation attached to the WC Letter does not contain a single mention of how harmful interference *to* the fixed-satellite and mobile-satellite services will be prevented, and the only discussion regarding the prospect of interference *from* satellite uplink sites consists of the completely unsupported claim that the issues “appear to be manageable.”<sup>5</sup>

The 14 GHz satellite uplink band is not shared with terrestrial fixed service today for good reason – even modest fixed service use is not possible in the face of the ubiquitous fixed terminal and increasing mobile terminal satellite use. WC argues here that transmissions from satellite earth stations in the C-band constrain expanded use of that band for terrestrial fixed services.<sup>6</sup> Yet WC provides no explanation for its assertion later on the same page that in the Ku-band, where there is a much higher number of deployed satellite terminals, interference from satellite uplinks would be “manageable.”<sup>7</sup>

Fixed service equipment cannot be operated in the 14-14.5 GHz band without interfering with existing fixed-satellite service operations. At no time has WC or its competitor accepted that the initial petition and all subsequent claims were based on the petition’s use of an inappropriate standard for measuring interference. WC has continued to ignore the constraints that fixed service operation and interference would place on existing and future fixed-satellite service operations. In particular, WC has ignored the key issue of the effect of cumulative interference from 16 30 MHz channels of fixed-service traffic into the more than 30 satellites over the United States that receive signals in the 14-14.5 GHz band. WC now seems to be suggesting that its expanded vision of fixed service operation in Ku-band should have an elevated status. Over the last two

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<sup>3</sup> WC Letter at 2.

<sup>4</sup> WC October Letter at 2; WC Letter at 2.

<sup>5</sup> WC Letter at Attachment, Slide 3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

years, SIA and others have repeatedly pointed out the technical flaws underlying WC's assertions,<sup>8</sup> but WC and UTC have yet to respond substantively to the arguments. Instead, WC's proposals only get more technically unsupportable.

Enough is enough. The petition for rulemaking in RM-11429 was fatally flawed when presented in 2008, and nothing has changed to rectify those flaws. The simple fact is that a principal commercial satellite uplink band that supports critical communications requirements of millions of American businesses and consumers is not appropriate spectrum for introducing secondary terrestrial fixed services for utilities and others that need an extremely high level of reliability. Accordingly, SIA urges the Commission to reject the petition for rulemaking filed by WC and UTC once and for all.

SIA submits this *ex parte* notice 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

cc (by e-mail): Julius Knapp  
Ira Keltz  
Ronald Repasi  
Bruce Romano  
Geraldine Matisse  
Mark Settle  
Walter Johnston  
Jamison Prime  
John Leibovitz  
Paul de Sa

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<sup>8</sup> See, e.g., Letter dated June 14, 2010, from P. Cooper, SIA, to M. Dortch, Secretary, FCC, in RM-11429, at Attachment ("Satellite Industry Concerns regarding UTC/Winchester Petition").