

BEFORE THE
Federal Communications Commission

WASHINGTON, DC 20554

In the Matter of)	
)	
Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands)	WT Docket No. 12-70
)	
Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5- 1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz)	ET Docket No. 10-142
)	
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands)	WT Docket No. 04-356
)	

To: The Commission

COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION

The Satellite Industry Association (“SIA”), by its attorneys and pursuant to Sections 1.415 and 1.419 of the Commission’s Rules (47 C.F.R. §§ 1.415 & 1.419), hereby comments on the above-captioned Notice of Proposed Rulemaking and Notice of Inquiry (“2 GHz AWS NPRM/NOI”).¹ In the 2 GHz AWS NPRM/NOI, the Commission proposes service rules to govern provision of terrestrial mobile wireless broadband services in frequency bands that have been allocated primarily to the Mobile-Satellite Service (“MSS”), and which would continue to have a co-primary MSS allocation in the band under the Commission’s proposal.

¹ See *Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands et al.*, FCC 12-32, *slip op.* (released March 21, 2012); 77 Fed. Reg. 22720 (April 17, 2012) (publication in the Federal Register fixed May 17, 2012 as the Comment deadline in this proceeding).

SIA supports the Commission’s determination to limit the instant NPRM proceeding to issues relating to introduction of co-primary terrestrial mobile services in the 2 GHz MSS bands.² As the Commission states, “[d]ue to the unique characteristics of each band,” any allocation changes in the Big LEO and L-band MSS should be considered independently of the specific spectrum allocation questions raised in the 2 GHz NPRM portion of this proceeding. Among other factors, the other MSS bands have established commercial MSS operations that provide critical services, including connectivity for public safety services performed by government agencies at the federal, state and local levels. In contrast, operational development of the 2 GHz MSS band in North America has just begun. Any decision in the NPRM proceeding that would modify the existing ancillary terrestrial component (“ATC”) rules in the 2 GHz MSS band therefore should not have any direct bearing on whether the FCC makes changes in a later phase of this proceeding to the Big LEO band and/or L-band operating rules. If the Commission considers changes in the existing ATC framework in these other bands, such changes would ultimately need to be the subject of further proceedings that are geared to the specific issues presented by terrestrial fixed and mobile operations at those particular frequencies.

SIA also concurs with the Commission’s sound proposal that “the technical rules and license conditions applicable today to the provision of terrestrial services in the 2 GHz bands should generally apply to the AWS-4 bands.”³ As outlined in the *2 GHz AWS NPRM/NOI*, the Commission should codify the out-of-band emission limits that apply to existing services, including previously authorized space-based and terrestrial augmentations.⁴ And each AWS-4

² See *2 GHz AWS NPRM/NOI* at 3 (¶ 2).

³ *2 GHz AWS NPRM/NOI* at 13 (¶ 28).

⁴ *2 GHz AWS NPRM/NOI* at 13-20 (¶¶ 30-55).

licensee must likewise be required to protect the incumbent 2 GHz MSS provider(s) from harmful interference, as the Commission has proposed.⁵ Only by ensuring that satellite and terrestrial services can co-exist will the Commission secure the complementary benefits of enhanced broadband capacity in densely-populated areas along with ubiquitous coverage of underserved rural and other insular areas that can only be reached via satellite. Accordingly, the Commission should retain the MSS allocation throughout the band, which is a globally harmonized allocation and therefore can also be used to promote international service extending beyond areas of U.S. domestic terrestrial deployment.

SIA also supports the Commission's initial determination that "assignment of terrestrial licenses to any entity other than the incumbent MSS licensee remains impractical."⁶ As the Commission explains in the *2 GHz AWS NPRM/NOI*, "granting shared usage of the same MSS frequency band to separate MSS and terrestrial operators would likely compromise the effectiveness of both systems."⁷ This is so because of the careful in-band coordination that must occur in order to allow widely deployed, densely utilized terrestrial transmitting facilities to co-exist with satellite signals that must travel over substantial distances. The only effective way to prevent harmful interference under these circumstances is to ensure that 2 GHz MSS operators have control over AWS operations in the band, as the NPRM proposes. Accordingly, consistent with the Commission's proposal, any new AWS licenses granted in this band should be issued to the incumbent MSS licensee(s).

⁵ See *2 GHz AWS NPRM/NOI* at 23 (¶ 68).

⁶ *2 GHz AWS NPRM/NOI* at 24 (¶ 71).

⁷ *2 GHz AWS NPRM/NOI* at 5 (¶ 6), citing *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band and the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 1962, 1965 (¶ 2) & 1993 (¶ 52).

SIA, however, opposes the Commission's current proposal to require automatic termination of an MSS authorization in any area where a companion terrestrial authorization is terminated for failure to meet the proposed AWS build out requirements.⁸ SIA believes that satellite licensees should be permitted to maintain their system authorizations intact so long as substantial MSS is being offered within the licensee's overall service area.

The inherent problem in the Commission's proposal is that MSS and AWS services would be licensed on very different geographic bases. The current MSS licensees hold authorizations that are national in scope and, at least theoretically, permit service to be provided even beyond U.S. borders. Consistent with the common licensee approach for MSS and AWS outlined in the *2 GHz AWS NPRM/NOI*, which SIA strongly supports, as outlined above, it is not practical for MSS licenses and AWS licenses for the same frequency bands to be held by different entities, nor is it practical for a nationwide MSS licensee to constrain its operations over the limited geographic area encompassed by an individual AWS Economic Area ("EA") license. Accordingly, even where a terrestrial EA component is not constructed in a timely manner pursuant to the FCC's build-out requirements, existing MSS operations should continue to be utilized, in particular because these services are often used to ensure essential ubiquitous connectivity for purposes such as disaster relief and critical infrastructure maintenance. Under these circumstances, it does not make sense to automatically terminate any portion of MSS authority concurrently with automatic nullification of terrestrial authority for a single EA.

Moreover, the EAs with small and widely-dispersed population centers, those where an AWS licensee might have the greatest difficulty meeting the aggressive coverage build-out milestones the Commission proposes, are also the very areas most likely to benefit significantly

⁸ See *2 GHz AWS NPRM/NOI* at 31 (¶ 95).

from the availability of a separate MSS component. For this reason, even if MSS transmissions could reasonably be curtailed within specific EAs, which they clearly cannot, such an approach would be contrary to the public interest in fostering the delivery of mobile broadband service to all areas of the country.

Finally, and consistent with the need to ensure that space-based and terrestrial operations are carefully coordinated, SIA supports the Commission's associated proposal to prohibit AWS-4 licensees from partitioning or disaggregating spectrum through either sale or *de facto* transfer leasing arrangements.⁹

CONCLUSION

For the foregoing reasons, SIA respectfully urges the Commission to (1) limit the NPRM portion of this proceeding to consideration of introducing terrestrial service in the 2 GHz MSS bands, (2) adopt its proposal that the satellite MSS and terrestrial AWS authorizations within each licensed band be assigned to the same operator, (3) protect existing MSS and other satellite-based operations from harmful interference from new AWS terrestrial services, and (4) prohibit AWS-4 licensees from partitioning or disaggregating spectrum through sale or *de facto* transfer.

Respectfully submitted,

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⁹ See 2 GHz AWS NPRM/NOI at 40 (¶ 117).