

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

In the Matter of )  
 )  
Comprehensive Review of Licensing and ) IB Docket No. 12-267  
Operating Rules for Satellite Services )

To: Office of the Secretary

**COMMENTS OF  
THE GLOBAL VSAT FORUM**

The Global VSAT Forum (“GVF”) hereby submits these comments in response to the above-referenced proceeding regarding the revision of its Part 25 rules for satellite services.<sup>1</sup> GVF is the leading voice of the international VSAT community. It is comprised of more than 200 members from every major region of the world and from every sector of the industry, including satellite operators, manufacturers, system integrators and other service providers. The Commission’s deliberations on the issues raised in the NPRM will have a direct impact on GVF members, many of whom are prominent U.S. companies.

Although there are numerous issues raised in the Commission’s NPRM that are of significant importance to GVF members, GVF is urging herein that the Commission conclude that (1) the proposal in the NPRM for limiting automatic signal identification to particular solutions is premature while digitally modulated broadband video technology is still evolving, and (2) the continued expansion of routine processing for earth station applications is beneficial to applicants and to the Commission but the Commission should ultimately seek to emulate the

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<sup>1</sup> *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Notice of Proposed Rulemaking, IB Docket Nos. 12-267, FCC 12-117 (rel. Sept. 28, 2012) (“*NPRM*”).

European Union’s “general authorization” system of core technical requirements and notification. These proposals will promote the availability of VSAT by reducing regulatory burdens on applicants and the Commission while maintaining a two-degree orbital spacing environment.

***Automatic Transmitter Identification Systems.*** The NPRM proposes to limit the permissible techniques for Automatic Transmitter Identification Systems (“ATIS”) in satellite uplink transmissions.<sup>2</sup> GVF recognizes the need for rapid and reliable identification of signals to facilitate the resolution on interference problems, however, GVF does not believe that limiting ATIS techniques to a pre-defined method or methods is appropriate or necessary at this time. Although the two methods identified in the NPRM—insertion of identification into the Network Information Table of an MPEG transport stream or an accompanying low-data-rate spread-spectrum signal—are both acceptable options, GVF believes that it is premature to set the limit at these two solutions while digitally modulated broadband video and methods for encoding ATIS information are still evolving. Such a regulatory limitation may prevent or delay the adoption of superior techniques developed as the technology evolves. GVF believes that the industry is fully capable of adopting mutually agreeable standards for transmitter identification information and that regulatory specification is therefore unnecessary and potentially limiting.

***Additional Streamlining of Earth Station Licensing.*** The NPRM asks what technical rules or technical practices developed by other countries might further the Commission’s policy objectives.<sup>3</sup> GVF supports the Commission’s efforts in increasing the number of services

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<sup>2</sup> NPRM, ¶¶ 149, 151.

<sup>3</sup> *Id.*, ¶ 155.

eligible for routine processing of earth station applications.<sup>4</sup> The routine processing rules have reduced licensing uncertainty and delay for operators, which in turn has increased the availability of low-cost satellite services. GVF believes, however, that the Commission can realize greater efficiency gains, while maintaining a two-degree spacing environment, by adopting regulatory practices successfully applied in the European Union.

Under the terms of Directive 2002/20/EC, EU countries need to apply the least onerous authorization system possible<sup>5</sup> and “general authorization” is the recommended regime,<sup>6</sup> including for the facilitation of the use of frequencies.<sup>7</sup> Although individual licensing is still in place in cases where there is a need to avoid harmful interference, satellite services widely benefit in EU Member States from a philosophy of “freedom to provide services”<sup>8</sup> and a light touch approach to authorization, characterized by:

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<sup>4</sup> *Id.*, ¶ 4 n.7, ¶ 5.

<sup>5</sup> Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Apr. 4, 2002) (“The least onerous authorization system possible should be used to allow the provision of electronic communications networks and services in order to stimulate the development of new electronic communications services and pan-European communications networks and services and to allow service providers and consumers to benefit from the economies of scale in the single market.”) (“*Directive 2002/20/EC*”).

<sup>6</sup> *Id.* (“Those aims can be best achieved by general authorizations of all electronic communications networks and services without requiring any explicit decision or administrative act by the national regulatory authority and by limiting any procedural requirements to notification only.”)

<sup>7</sup> *Id.* (“Article 5, 1: Member States shall facilitate the use of radio frequencies under general authorizations. Where necessary, Member States may grant individual rights of use in order to avoid harmful interference and ensure technical quality of service.”)

<sup>8</sup> *Id.* (“Article 3, 1: Member States shall ensure the freedom to provide electronic communications networks and services, subject to the conditions set out in this Directive. To this end Member states shall not prevent an undertaking from providing electronic communications networks or services, except where this is necessary for the reasons set out in Article 46 (1) of the Treaty.”)

- No or minimal procedural and administrative requirements prior to commencement of service,
- No or minimal requirements for administrative acts by the regulatory authorities, typically simple notification which does not require processing or issuance of explicit consent,
- Conditions, rights, and obligations in legal frameworks applicable to all or to specific types of electronic communications networks or services<sup>9</sup> rather than in licenses addressed to individual operators or users, and
- The use of a definition of a technical envelope within which additional types of terminals and services can be added without need for administrative reassessment or approvals.

GVF suggests that it would be helpful for the Commission to explore the possible application of these goals, and the last bullet point above, in particular. In addition, any alternative measures to ease market access for satellite terminals and services by setting technical rules in a way that facilitates deployment of follow-on satellite terminals operating within an established technical envelope with minimal or no further regulatory review would be welcome.

In the European context, the CEPT routinely establishes harmonized frameworks, consisting of reports, technical studies, recommendations, and decisions that enable European countries inside and outside of the EU to authorize satellite services speedily and with minimal administrative overhead at the network and service level. The CEPT decision exempting terminals from individual licensing on the basis of compliance with a technical envelope also facilitates cross-border use and circulation of satellite terminals in addition to providing deployment of future terminals within the same technical envelope. GVF requests that the

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<sup>9</sup> *Id.* (“Article 2, 2: The following definition shall also apply: “general authorization” means a legal framework established by the Member State ensuring rights for the provision of electronic communications networks or services and laying down sector specific obligations that may apply to all or to specific types of electronic communications networks and services, in accordance with this Directive.”)

Commission take the EU and any other applicable alternative frameworks into account in this important review with the goal of establishing a more streamlined licensing framework in the United States.

In making this recommendation, GVF recognizes that Section 301 of the Communications Act generally requires operators of radio transmitters in the United States to secure license authority from the Commission. In interpreting this statutory provision, however, the Commission has identified exceptions to its licensing requirement, such as its regulatory regime for unlicensed wireless devices.<sup>10</sup> The Commission has also determined that it can comply with Section 301 through multiple administrative mechanisms, such as site-specific licensing, blanket and wide-area licensing, and the “license by rule” approach specified in Section 307(e) of the Communications Act for certain radio services.<sup>11</sup>

In this regard, the wide-area licensing regime that the Commission employs for cellular handsets operating in the various wireless services may prove instructive in identifying a manner in which the Commission could streamline the approval process for satellite earth stations communicating with satellite networks that are either licensed by the Commission, or are otherwise authorized to provide services in the United States pursuant to the permitted space station list. The Commission permits individual subscribers of wireless services to operate wireless handsets and other devices within a network under the authority of the network

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<sup>10</sup> See Revision of Part 15 of the Rules Regarding Ultra-Wideband Transmission Systems, 19 FCC Rcd 24558, ¶ 72 (2004) (“*Part 15 Revision*”).

<sup>11</sup> *Id.*, ¶¶ 76-77.

operator's license and without the obligation to secure an individual license.<sup>12</sup> The Commission has concluded that, because the network operator can control system design and access, and because the Commission has maintained through an individualized approval process the ability to control the use of spectrum, individual users' rights can be identified and interference between users can be adequately avoided.<sup>13</sup> These wide-area licensing approaches have therefore been deemed to be a reasonable exercise of the Commission's authority under Sections 4(i), 303(f) and 303(r) of the Communications Act.<sup>14</sup>

Although the Commission's authorization approach for wireless devices may require adjustments in order to adapt it to satellite earth stations, GVF nonetheless regards such wide-area or general authorization approaches to be beneficial by facilitating greater and less cumbersome access to satellite communications services, while maintaining adequate technical measures to manage spectrum resources and protect against harmful interference. In addition, increased harmony between U.S. rules and European Union rules could promote expanded market access and greater competition in the provision of satellite services.

GVF applauds the Commission's efforts to update its rules to facilitate the continued development of satellite operations. To promote VSAT and the availability of low cost satellite

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<sup>12</sup> *See, e.g.*, 47 C.F.R. § 1.903(c) and § 22.3(b) (providing that “[a]uthority for subscribers to operate mobile or fixed stations in the Wireless Radio Services ... is included in the authorization held by the licensee providing service to them. Subscribers are not required to apply for, and the Commission does not accept, applications from subscribers for individual mobile or fixed station authorizations in the Wireless Radio Services”).

<sup>13</sup> *See Part 15 Revision*, ¶ 76.

<sup>14</sup> *See id.*

service, GVF recommends that the Commission refrain from imposing a limit of two ATIS solutions, and seek to further reduce the complexity of satellite earth station applications to harmonize with the “notification” approach adopted under the European Union’s “general authorization” system.

Respectfully submitted

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