

BEFORE THE

# Federal Communications Commission

WASHINGTON, DC 20554

In the Matter of )  
)  
Amendment of Part 2 of the Commission's )  
Rules for Federal Earth Stations ) ET Docket No. 13-115  
Communicating with Non-Federal Fixed )  
Satellite Service Space Stations; ) RM-11341  
)  
Federal Space Station Use of the 399.9-400.05 )  
MHz Band; and )  
)  
Allocation of Spectrum for Non-Federal Space )  
Launch Operations )

To: The Commission

## **REPLY COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION**

The Satellite Industry Association (“SIA”) hereby replies to the initial comments filed in response to the above-captioned Notice of Proposed Rulemaking and Notice of Inquiry (“NPRM”).<sup>1</sup> The record reflects that a modified version of the Commission’s proposed Allocation Approach would be the optimal means of implementing upgraded status for Federal earth station facilities<sup>2</sup> and that there is no need at present to adopt a co-primary non-Federal allocation in frequencies currently available for launch operations.<sup>3</sup>

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<sup>1</sup> See *Amendment of Part 2 of the Commission’s Rules for Federal Earth Stations Communicating with Non-Federal Fixed-Satellite Service Space Stations et al.*, FCC 13-65, Notice of Proposed Rulemaking and Notice of Inquiry, ET Dkt. No. 13-115, *slip op.* (released May 9, 2013) (“NPRM”). SIA limits these Reply Comments to discrete issues where one or more parties expressed some disagreement with the predominant views reflected in the record, or where SIA concurs with additional points made in initial comments filed by others.

<sup>2</sup> See Comments of The Boeing Company, ET Dkt. No. 13-115, at 16-17 (filed August 30, 2013) (“Boeing Comments”); Comments of Lockheed Martin Corporation, ET Dkt. No. 13-115, at 2-7

**1. Co-Primary Status for Federal Earth Station Facilities**

Comsearch raises concerns that there could be “future confusion over whether FCC or NTIA procedures are to be followed by Federal users” under the Allocation Approach the Commission proposes.<sup>4</sup> SIA’s proposed modifications to the Allocation Approach outlined in its Comments address Comsearch’s concerns.<sup>5</sup> Because the Commission would have sole regulatory authority over the space segment of satellite systems operating in the Fixed-Satellite Service and Mobile-Satellite Service bands, it can establish conclusively at the outset that its rules will apply to Federal Government operations, and that the bands will not be “shared” for regulatory purposes. Federal use of the primary bands where commercial communications satellites are deployed will continue to be dependent on access to non-Federal space station facilities that are licensed and regulated solely by the Commission. Accordingly, while Federal government Earth stations will have parity of access to the subject bands on a co-primary basis, they would nonetheless be fully subject to all FCC procedural, technical and operating requirements. Thus, SIA’s proposal offers a streamlined approach to enhancing the current status of Federal earth stations.

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(filed August 30, 2013). *See also* Comments of the Satellite Industry Association, ET Dkt. No. 13-115, at 3-8 (filed August 30, 2013) (“SIA Comments”).

<sup>3</sup> *See* Comments of the Aerospace and Flight Test Radio Coordinating Council, ET Dkt. No. 13-115, at 2 (filed August 30, 2013); Comments of the Aerospace Industry Association, ET Dkt. No. 13-115, at 2 (filed August 30, 2013); Boeing Comments at 7-9. *See also* SIA Comments at 9-12.

<sup>4</sup> *See* Comments of Comsearch, ET Dkt. No. 13-115, at 5 (filed August 30, 2013) (“Comsearch Comments”).

<sup>5</sup> *See* SIA Comments at 3-8.

SIA agrees with Comsearch that the Commission should require participation in current frequency coordination procedures by Federal earth station users that operate or seek to operate in non-Federal bands shared with terrestrial Fixed Service stations.<sup>6</sup> Establishing parity of access in the satellite bands that are shared with terrestrial services requires that Federal earth station applicants and operators adhere to the same coordination procedures as non-Government Earth station users. Allowing Federal users to object on interference grounds after coordination has been completed would introduce an element of uncertainty and delay that is inappropriate. This is especially true given NTIA's agreement that co-primary federal use of the commercial satellite bands should not enhance the status of Federal earth station operators or be subject to any post-coordination process through the Frequency Assignment Subcommittee of the Interdepartment Radio Advisory Committee.<sup>7</sup>

## 2. Launch Operations Spectrum

A few commenters support new Non-Federal allocations for launch operations in bands currently allocated only for Federal use.<sup>8</sup> For example, SpaceX states that the current STA process has little transparency, creates uncertainties and that "the outcome of the application is often unknown until very close to the launch date."<sup>9</sup> SIA-member launch service providers, which support commercial, federal, and international markets for launch services, believe that

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<sup>6</sup> See Comsearch Comments at 6 *et seq.* This requirement should apply whether the Federal users are seeking authority for new facilities or responding to prior coordination notices from new Fixed Service applicants.

<sup>7</sup> See, e.g., *NPRM* at 17 (¶ 39).

<sup>8</sup> See SpaceX Comments at 2 & 6. See also Comments of the Commercial Spaceflight Federation at 2.

<sup>9</sup> SpaceX Comments at 6.

the current process under experimental special temporary authority (“STA”) is well suited to launch operations in key respects because of the intermittent and transient nature of launch events. Allowing non-Federal users open-ended access to the bands without launch-specific conditions would likely create confusion regarding spectrum rights and increase the chances of harmful interference occurring during scheduled launch windows. SIA and its member launch service providers believe that the uncertainty issue raised in regard to the current experimental STA process may be a function of recent introduction to the FCC regulatory process. Increased familiarity with the Commission’s rules and processing timetables should ultimately result in greater comfort with the regularity and predictability of this established approach.

**3. Conclusion**

SIA urges the Commission to move forward with the spectrum allocation changes outlined in the *NPRM* for Federal earth station facilities, subject to SIA’s proposed modifications, and to refrain from making any changes in the allocation table affecting spectrum available for space vehicle launch operations.

Respectfully submitted,

**SATELLITE INDUSTRY ASSOCIATION**

By: 

Patricia Cooper  
President

1200 18th Street, NW, Suite 1001  
Washington, DC 20036  
(202) 503-1561

September 30, 2013

**CERTIFICATE OF SERVICE**

I, Sharon Krantzman, hereby certify that a true and correct copy of the foregoing “Reply Comments of the Satellite Industry Association” was sent by first-class, postage prepaid mail this 30<sup>th</sup> day of September, 2013, to the following:

William K. Keane, Esquire  
F. Reid Avett, Esquire  
Duane Morris LLP  
Suite 1000  
505 9<sup>th</sup> Street, NW  
Washington, DC 20004  
*Counsel to Aerospace and Flight Test Radio  
Coordinating Council*

Bruce A. Olcott, Esquire  
Preston N. Thomas, Esquire  
Squire Sanders LLP  
1200 19<sup>th</sup> Street, NW  
Washington, DC 20036  
*Counsel to The Boeing Company*

Michael Lopez-Alegria  
Commercial Spaceflight Federation  
Suite 837  
444 N. Capitol Street  
Washington, DC 20001

Christopher R. Hardy  
Comsearch  
19700 Janelia Farm Boulevard  
Ashburn, VA 20147

Timothy R. Hughes, Esquire  
Senior Vice President and General Counsel  
SpaceX  
1 Rocket Road  
Hawthorne, CA 90250

Dan Hendrickson  
Aerospace Industries Association  
Suite 1700  
1000 Wilson Boulevard  
Arlington, VA, 22209

*s/ Sharon A. Krantzman*

Sharon A. Krantzman