September 17, 2015

VIA ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Written Ex Parte Presentation – Comprehensive Review of Licensing and Operating Rules for Satellite Services, IB Docket No. 12-267

Dear Ms. Dortch:

The Satellite Industry Association (“SIA”) submits this ex parte to clarify its position with respect to a matter raised by OneWeb, Ltd. (‘OneWeb’) in the above-referenced proceeding.

On July 7, 2015, representatives of OneWeb met with the Commission’s staff to, among other issues, raise a concern regarding SIA’s proposed changes relating to antenna performance characteristics for NGSO FSS earth stations, including the

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1 SIA is a U.S.-based trade association providing representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers. Since its creation twenty years ago, SIA has advocated on behalf of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business. For more information, visit www.sia.org. SIA Executive Members include: The Boeing Company; The DIRECTV Group; EchoStar Corporation; Intelsat S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; LightSquared; Lockheed Martin Corporation; Northrop Grumman Corporation; SES Americom, Inc.; SSL; and ViaSat, Inc. SIA Associate Members include: ABS US Corp.; Airbus DS SatCom Government, Inc.; Artel, LLC; Cisco; Comtech EF Data Corp.; DRS Technologies, Inc.; Eutelsat America Corp.; Global Eagle Entertainment; Glowlink Communications Technology, Inc.; Hughes; iDirect Government Technologies; Inmarsat, Inc.; Kymeta Corporation; Marshall Communications Corporation.; MTN Government; O3b Limited; Orbital ATK; OneWeb; Panasonic Avionics Corporation; TeleCommunication Systems, Inc.; Telesat Canada; TrustComm, Inc.; Ultisat, Inc.; Vencore Inc.; and XTAR, LLC.
interaction between modified Section 25.209(d) (imposing antenna gain requirements on NGSO FSS earth stations) and Section 25.209(f) (addressing non-conforming earth station licensing) of the FCC’s rules.\(^2\) OneWeb interpreted the SIA proposal to exclude the possibility of FCC licensing of NGSO FSS earth stations under Section 25.209(f) that do not conform to the antenna gain requirements specified in Section 25.209(d), even if those non-conforming earth stations do not cause unacceptable interference.\(^3\) OneWeb also proposed changes to Section 25.209(d) as a possible means of resolving its concern.\(^4\)

Upon review, SIA agrees that its proposed changes to Part 25 of the Commission’s rules could be interpreted to preclude the licensing of non-conforming NGSO FSS earth stations that do not cause unacceptable interference under Section 25.209(f). However, it was not SIA’s intention in its proposal to foreclose the possibility of such licensing under Part 25 of the Commission’s Rules.

Therefore, SIA hereby proposes certain modifications to Section 25.209(f), set forth in Attachment A, to accommodate the possibility of licensing non-conforming NGSO FSS earth stations that do not cause unacceptable interference. SIA also proposes to clarify that the alternative licensing provisions referenced in Section 25.209(f) pertain only to GSO FSS earth stations, avoiding the possibility of inadvertently requiring NGSO FSS earth stations to meet specified gain requirements along the GSO arc. SIA further proposes several other minor, grammatical changes to Section 25.209(f).

For the avoidance of doubt, SIA’s proposed insertion of language referring to ESVs, ESAAs and VMESs “operating with GSO FSS satellites” should not be construed to limit the ability of NGSO FSS systems to operate with ESVs, ESAAs, and VMESs, or to constrain NGSO FSS earth station applicants in referencing any potentially appropriate FCC Rules to demonstrate that non-conforming earth stations can operate without causing harmful interference. Rather, SIA’s proposed language is intended to avoid requiring an NGSO FSS earth station applicant, in the context of a non-interference demonstration, to comply with elements of the Rules referenced in Section 25.209(f) that are appropriate for GSO, but not NGSO, systems.

Finally, SIA does not propose specific requirements for NGSO FSS earth station applicants to demonstrate that proposed non-conforming earth stations will not cause unacceptable interference. Use of interference mitigation techniques such as muting earth station transmissions to limit power spectral density towards the GSO arc may be

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\(^3\) See id., see also Reply Comments of the Satellite Industry Association, IB Docket No. 12-267 (March 2, 2015) at Exhibit 3, 64 - 65.

\(^4\) See OneWeb Ex Parte Presentation at 2 and Attachment at 9.
relevant in the context of such demonstrations. NGSO FSS system compliance with Section 25.146 or similar international requirements applicable in other bands also may be relevant to a demonstration that non-conforming NGSO FSS earth stations do not cause unacceptable interference.

SIA respectfully requests that the Commission to adopt the proposed modifications to Section 25.209(f) set forth herein. Please don’t hesitate to contact me with any questions.

Respectfully submitted,

SATELLITE INDUSTRY ASSOCIATION

By: /s/ Tom Stroup

Tom Stroup
President
1200 18th Street, N.W., Suite 1001
Washington, D.C. 20036
(202) 503-1560

CC:
Jose Albuquerque, International Bureau
Chip Fleming, International Bureau
Diane Garfield, International Bureau
Clay DeCell, International Bureau
Attachment A

Proposed Revisions to Section 25.209(f)

The following proposed Section 25.209(f) replaces the version of that provision set out in the FCC’s Rules:

Clean: (f) An earth station with an antenna that does not conform to the relevant standards in paragraphs (a), (b) and (d) of this Section will be authorized only if the applicant demonstrates that the antenna will not cause unacceptable interference. For ESVs operating with GSO FSS satellites in the C-band, this demonstration shall comply with the requirements set forth in §25.221. For ESVs operating with GSO FSS satellites in the Ku-band, this demonstration shall comply with the requirements set forth in §25.222. For VMESs operating with GSO FSS satellites, this demonstration shall comply with the requirements set forth in §25.226. For ESAAs operating with GSO FSS satellites, this demonstration shall comply with the requirements set forth in §25.227. For feeder-link earth stations in the 17/24 GHz BSS, this demonstration shall comply with the requirements set forth in §25.223. For other FSS earth stations operating with GSO FSS satellites, this demonstration shall comply with the requirements in §25.138, §25.218, or §25.220, as appropriate. In any case, the Commission will impose appropriate terms and conditions in its authorization of such facilities and operations.

With revision marks: (f) An earth station with an antenna that does not conforming to the relevant standards in paragraphs (a), and (b) and (d) of this Section will be authorized only if the applicant demonstrates that the antenna will not cause unacceptable interference. For ESVs operating with GSO FSS satellites in the C-band, this demonstration must comply with the requirements set forth in §25.221. For ESVs operating with GSO FSS satellites in the Ku-band, this demonstration must comply with the requirements set forth in §25.222. For VMESs operating with GSO FSS satellites, this demonstration shall comply with the requirements set forth in §25.226. For ESAAs operating with GSO FSS satellites, this demonstration shall comply with the requirements set forth in §25.227. For feeder-link earth stations in the 17/24 GHz BSS, this demonstration must comply with the requirements set forth in §25.223. For other FSS earth stations operating with GSO FSS satellites, this demonstration must comply with the requirements in §25.138, §25.218, or §25.220, as appropriate. In any case, the Commission will impose appropriate terms and conditions in its authorization of such facilities and operations.