PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: http://www.fcc.gov
TTY: 1-888-835-5322

DA 14-90
January 28, 2014

International Bureau Adopts Policy of Granting Interim Waiver of Certain Requirements for Space Station Applications

Report No. SPB-255

On August 9, 2013, the Commission adopted a Report and Order ("*Part 25 Order*")[1] to amend many of the rules governing licensing and operation of satellite communication systems as codified in Part 25 of Title 47 of the Code of Federal Regulations. The amendments will become effective on a date to be announced after the Director of the Office of Management and Budget (OMB) completes a review pursuant to the Paperwork Reduction Act.[2]

Some of the amendments adopted in the *Part 25 Order* will eliminate requirements to submit certain kinds of information in applications for space station licenses or U.S. market access for foreign-licensed space stations, which are filed on Form 312 and Schedule S. These rule provisions are identified in Table A below. Having determined that the information required by these provisions is unnecessary, the Commission decided to eliminate these requirements from the rules to reduce paperwork burdens for license applicants. To expedite the benefits of these rule changes, and because it would serve no purpose to dismiss an application for failure to include information of a kind that the Commission deems unnecessary, the International Bureau, in exercise of its delegated discretion to administer rules and procedures concerning satellite services,[3] finds that there would be good cause for waiver of the information requirements identified below in the center column of Table A, absent any complicating factors that would militate against such a finding.[4] Thus, omission of information required by the rule provisions listed in Table A will not be deemed grounds for dismissal of an application under these circumstances.

---

[1] *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Report and Order, IB Docket No. 12-267, 25 FCC Rcd 12403 (2013) (*Part 25 Order*).

[2] *Id.* at 12472, ¶ 229.

[3] *See* 47 C.F.R. §§ 0.51(c) and 0.261(a).

[4] *See* 47 C.F.R. § 25.112(b)(2). While we do not anticipate that such factors will ordinarily arise, we will exercise our discretion, in applying this policy of favorably considering grant of the interim waivers discussed herein, to withhold the grant if appropriate.

Table A

Rule Section in 47 C.F.R.	Information Requirements subject to Interim Waiver Policy	Relevant Data Fields in FCC Form 312, Schedule S
25.114(c)(4)(ii)	Specify final amplifier output power and losses between amplifier output and antenna input.	Table S7, columns k and l[5]
25.114(c)(4)(iv)	Specify receiving system noise temperature.	Table S7, column n
25.114(c)(4)(vi)	Specify the gain of each transponder channel, including any adjustable gain step capabilities.	Table S7, columns q and r and Table S10, column b[6]
25.114(c)(4)(vii)	Specify predicted receiver and transmitter channel filter characteristics.	N/A
25.114(c)(5)(i) and (ii)	Specify alternative orbital location and reason for requesting it.	Table S3, column b
25.114(c)(10)	Specify spacecraft weight, dimensions, mass, power budgets, and estimated reliability.[7]	Tables S15 and S16
25.114(c)(11)	Describe non-common-carrier transactions and specify number of transponders to be used for non-common-carrier operation and total common carrier transponder bandwidth.	Table S1, columns j and k
25.114(c)(12)	Specify dates when satellite construction will commence and will be completed, launch date, and estimated date of placement into service.	Table S1, columns b, c, d1, d2, and e
25.114(d)(4)	Describe the types of services to be provided and the areas to be served, the transmission characteristics and performance objectives for each type of proposed service, details of the link noise budget, typical or baseline earth station parameters, modulation parameters, and overall link performance analysis (including an analysis of the effects of each contributing noise and interference source).	Table S11, columns d-i Table S12, columns d-o Table S13, columns e-l, and n-p
25.144(a)(3)(iii)	Specify compression rate for SDARS audio signals.	N/A

[5] The column designators listed in Tables A and B correspond to the Schedule S form depicted in the software program used to generate the Schedule S database file attached to the application.

[6] The Schedule S software program as currently configured includes data validity tests that will not permit an applicant to complete and file Schedule S without entering information in these data fields. The program requires a number greater than zero to be entered in Table S7, columns q and r, and Table S10, column b. Applicants seeking to take advantage of this interim waiver policy should enter the value "1" (one) in each of these locations. Also, such applicants should state in the Narrative portion of their applications that such entries in these data fields are outside the scope of their certifications concerning the accuracy of information provided in their applications, in reliance on the waiver that they seek from the Commission pursuant to the interim waiver policy announced in this public notice, and pursuant to the instructions set forth in this footnote.

[7] Applicants must still specify estimated operational lifetime in Schedule S, Table S1, column f.

In addition to deleting some information requirements in their entirety, the Commission also modified some rules to provide less burdensome compliance options. In particular, Section 25.114(d)(3) of the Commission's rules requires space station applicants to submit predicted antenna gain contours in the .gxt file format. The amended rules will allow applicants to submit gain contours in GIMS container files rather than .gxt files, if they prefer, and allow applicants to omit the contours of beams whose contours at 8 dB below peak fall entirely beyond the edge of the visible Earth. The amended rules will also allow applicants for constellations of technically identical NGSO satellites or GSO satellites with large numbers of identical spot beams to provide representative gain contours rather than providing contour diagrams for every NGSO satellite or spot beam.[8] We intend to grant partial waiver of Section 25.114(d)(3), as indicated in Table B, for applicants that omit information that would no longer be required under the amended rule, or that submit information in the alternative format that would be acceptable under the amended rule (absent any complicating factors).

Table B

Current Rule Section in 47 CFR	Application Modifications subject to Interim Waiver Policy	Relevant Schedule S Data Fields
25.114(d)(3)	Applicants that prefer to do so may submit gain contours in GIMS container files rather than in .gxt files.[9] Applicants need not specify the contours of beams whose contours at 8 dB below peak fall entirely beyond the edge of the visible Earth. Applicants for NGSO satellites or GSO satellites with large number of identical spot beams may specify representative gain contours in accordance with the provisions in § 25.114(c)(4)(vi)(B) and (vii) in Appendix A of the *Part 25 Order*.	Table S8, column f

In order to facilitate application processing, an applicant choosing to take advantage of the interim waiver policy set forth in this Public Notice should request, in the Narrative portion of the application, grant of a waiver of the information requirements covered by this policy.

---

[8] *See Part 25 Order*, 25 FCC Rcd at 12435, ¶98 and revised § 25.114(c)(4)(vi)(B) and (vii) at 12481-82, Appendix A, ¶6.

[9] Applicants submitting GIMS container files in lieu of gxt files should create a folder on the computer they use to file their application and name that folder "Narrative and GIMS Files for [name of the satellite system]". Applicants should then compress that folder and its contents into a .zip file and upload the .zip file under the IBFS Form 312 attachment associated with Form 312 Question 43, "Description". Applicants should not upload the .zip file using the IBFS Form 312 attachment button for the Schedule S Access database, which will result in delays or errors in processing their applications.

Although the *Part 25 Order* eliminated or altered additional information requirements, the remaining changes involve information embedded in the Schedule S software, and interim measures would require potentially more burdensome steps than continuing to provide information in Schedule S. Accordingly, we limit the interim waiver policy to those requirements described in the above Tables.

This Public Notice is issued by the FCC's International Bureau.

-FCC-