



PUBLIC NOTICE

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

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

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INTERNATIONAL BUREAU ANNOUNCES 90-DAY EXTENSION OF FILING WINDOW, TO OCTOBER 17, 2018, TO FILE APPLICATIONS FOR EARTH STATIONS CURRENTLY OPERATING IN 3.7-4.2 GHz BAND

FILING OPTIONS FOR OPERATORS WITH MULTIPLE EARTH STATION ANTENNAS

GN Docket Nos. 17-183, 18-122

By this Public Notice, the International Bureau (Bureau) announces a 90-day extension, to **October 17, 2018**, to the filing window for fixed-satellite service (FSS) earth stations currently operating in the 3.7-4.2 GHz frequency band announced in the Public Notice DA 18-398 (April 19, 2018) (*Freeze PN*).¹ The Bureau also clarifies that applications to register multiple FSS antennas operating in this band that are located at the same address or geographic location may be filed in the International Bureau Filing System (IBFS) by using a single registration form and paying a single fee (fee code CMO, currently \$435). Finally, the Bureau announces the availability of an additional option to facilitate the registration of large numbers of geographically diverse earth stations by filing an application for a single “network” license and paying a single fee in IBFS (fee code BGV, currently \$10,620).

Background

On April 19, 2018, the International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus issued a Public Notice announcing a temporary freeze effective on April 19, 2018, on the filing of new or modification applications for FSS earth station licenses,² FSS receive-only earth station registrations,³ and fixed microwave licenses⁴ in the 3.7-4.2 GHz frequency band.⁵ The purpose of this freeze is to preserve the current landscape of authorized operations in the 3.7-4.2 GHz band pending Commission action as part of its ongoing inquiry into the possibility of permitting terrestrial

¹ The freeze on filing new or modification applications for fixed microwave licenses in the band continues to apply to fixed microwave licenses, for which no 90-day filing window was adopted. *See Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7-4.2 GHz Band; 90-Day Window to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band*, GN Docket Nos. 17-183, 18-122, Public Notice, DA 18-398 at 1, 3 (IB, PSHSB, WTB Apr. 19, 2018), 2018 WL 1898716 (*Freeze PN*).

² 47 CFR § 25.115(a), (b), (c)(2).

³ 47 CFR § 25.115(b).

⁴ 47 CFR Part 101, subparts H and I.

⁵ *See Freeze PN*.

broadband use and more intensive fixed use of the band (*Mid-band Proceeding*).⁶

90-day Extension of Filing Window

As a limited exception to the filing freeze, the International Bureau concurrently opened a 90-day window during which entities that own or operate existing FSS earth stations in the 3.7-4.2 GHz band may voluntarily file an application to register or license their earth stations if they are not currently registered or licensed in the IBFS, or may file an application to modify a current registration or license.⁷ To encourage operators to file during the window, the Bureau also waived the coordination report requirement for the duration of the freeze.⁸ This 90-day window was also designed to provide the Commission and commenters with more accurate information about existing earth stations, which will inform the Commission's pending inquiry addressing new opportunities for use of this band.⁹

Since the beginning of the freeze, many parties have submitted to the record their concerns about the volume of unregistered earth stations and the difficulties that many of these operators have faced in preparing the information for filing.¹⁰ These parties indicate that without some relief many operators will be unable to satisfy the filing deadline and the Commission will be without accurate information for its deliberations in the *Mid-band Proceeding*.¹¹ To address these concerns, the International Bureau now extends the 90-day filing date for an additional 90 days, until **October 17, 2018**, in order to provide operators with more time to file applications, should they choose to do so. This action does not impact the cut-off date for operations eligible for the exception, *i.e.*, only earth stations constructed and operational as of **April 19, 2018** are eligible for filing during this window.

Filing Options for Operators with Multiple Earth Station Antennas

Several commenters in the *Mid-band Proceeding* have raised concerns about the practical and financial burden that registration would place on operators with large numbers of earth stations and have encouraged us to consider permitting a "batch" filing option for earth station registrations.¹² In particular,

⁶ *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Notice of Inquiry, 32 FCC Rcd 6373 (2017) (*NOI*). We note that as part of the MOBILE NOW Act Congress has required the Commission to assess the feasibility of Federal and non-Federal sharing the 3.7-4.2 GHz band and submit a report to the Secretary of Commerce and to Congress within 18 months. *See Consolidated Appropriations Act, 2018, P.L. 115-141*, which includes the Repack Airwaves Yielding Better Access for Users of Modern Services (RAY BAUM'S) Act. Title VI of the RAY BAUM'S Act enacted provisions from the Senate-approved MOBILE NOW Act, which directly addresses the 3 GHz band and multiple other spectrum related policies. *See MOBILE NOW Act, Sec. 603 (Identifying 255 Megahertz), Sec. 605 (3 Gigahertz Spectrum)*.

⁷ *Freeze PN* at 3-5.

⁸ *Id.* at 4-5.

⁹ The 90-day window is inapplicable to fixed microwave service because, unlike receive-only earth stations, license applications were mandatory for these operations prior to the freeze.

¹⁰ *See, e.g., Ex Parte of LinkUp Communications, Society of Broadcast Engineers, Intelsat Corporation, and SES Americom, Inc.* (May 24, 2018) (Linkup et al.); *Ex Parte of SES Americom, Inc. and Intelsat License LLC* at 6 (June 18, 2018) (SES and Intelsat).

¹¹ *See, e.g., Linkup et al. Ex Parte.*

¹² *See, e.g., LinkUp et al. Ex Parte* at 2 (suggesting a batch filing process for earth stations); *Ex Parte of National Association of Broadcasters* (May 22, 2018) (NAB Ex Parte) (requesting a process whereby applicants could register multiple earth stations and pay only one filing fee); *Comment of the Satellite Industry Association* at 7-8 (May 31, 2018) (suggesting a streamlined process for earth station registrations); *Ex Partes of the American Cable*

these parties urge the Commission to permit multiple earth stations to be registered under a single application, with a single application fee. These parties have noted that it may be financially or technically difficult for operators with large numbers of earth stations to complete their applications within the filing window.¹³ These parties note that if operators are discouraged from filing then the Commission and commenters on the *Mid-band Proceeding* will lack accurate information on the scope of FSS earth station operations in the 3.7-4.2 GHz band.¹⁴ We address these concerns with two “batch” filing options below.

First, consistent with current policy and process, we clarify that operators with multiple receive-only antennas at a single geographic location or address may apply to register these antennas under a single earth station application and pay a single application fee of \$435. This filing option provides financial relief from application fees for operators with multiple co-located antennas at a single site.

Second, we announce that we will waive certain sections of the Commission’s rules to permit operators of multiple geographically diverse receive-only earth stations to register those stations under Section 25.115(c)(2), which permits applications for “Networks of earth station operating in the 3700-4200 MHz and 5925-6425 MHz bands.”¹⁵ Specifically, we waive certain portions of Section 25.115(c)(2), as discussed further below. Waiver of the Commission’s rules is appropriate where particular facts make strict compliance with a rule inconsistent with the public interest, special circumstances warrant a deviation from the general rule, and the waiver does not undermine the validity of the general rule.¹⁶ In the present case, we note that the Section 25.115(c)(2) rules were developed initially to facilitate the licensing under a single application of large numbers of transmit-receive earth stations.¹⁷ As such, much of Section 25.115(c)(2), such as those rules defining applicable transmit power limits, would plainly not apply to a network of receive-only earth stations and the purpose of these rules would not be undermined. Furthermore, the parts of Section 25.115(c)(2) that would apply to receive-only earth stations were primarily intended to facilitate coordination with terrestrial operators,¹⁸ but given the current freeze on new fixed microwave licenses in the band and the concurrent waiver of the coordination requirement for earth stations filing registration or license applications in the 3.7-4.2 GHz band, the purpose of these requirements will not be undermined by a waiver. Furthermore, we find that facilitating the registration of additional earth stations will aid the Commission’s pending inquiry into operations in the 3.7-4.2 GHz band. We thus announce here that we will accept for filing applications under Section 25.115(c)(2) for networks of receive-only earth stations and waive those requirements that are inapplicable to receive-only stations.

We explain below how these rules will apply during the filing window, as extended by this Public Notice:

- Applicants must complete a “Lead Application” on Form 312, Main Form and Schedule B. The

Association (Feb. 2, 2018; Jan. 12, 2018) (suggesting a streamlined process for earth station registrations); SES and Intelsat Ex Parte at 4-6 (requesting a streamlined “batch-filing” approach to registration of earth stations).

¹³ See NAB Ex Parte at 3.

¹⁴ See *id.*

¹⁵ 47 CFR § 25.115(c)(2).

¹⁶ *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-28 (D.C. Cir. 2008); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972); *Northeast Cellular Tel Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁷ See 16 FCC Rcd 11511, 11515-16 (May 25, 2001).

¹⁸ See 16 FCC Rcd at 11518-20.

Schedule B should include a site ID for each geographic location where the applicant has receive-only earth stations and should provide the technical details required by the Form for each antenna at each site¹⁹;

- The coordination report required by Section 25.115(c)(2) is waived as described in DA 18-398²⁰;
- The requirements of paragraphs (i) and (v) of Section 25.115(c)(2) are waived for networks of receive-only earth stations;
- Pursuant to DA 18-398, only earth stations constructed and operational as of April 19, 2018 may file during the window, so the one-year construction period of Section 25.115(c)(2)(vii) is inapplicable.

Application Fees. Applicants filing as a network of earth stations as described above must pay the fee for a “Fixed Satellite VSAT System,” which is currently \$10,620.²¹ Although this fee is higher than the current fee of \$435 for registration of a single receive-only earth station, operators who wish to register a large number of earth stations may benefit from filing under this fee category rather than applying to register each of their earth stations individually.²²

Regulatory fees. We note that operators of networks of earth stations authorized under Section 25.115(c)(2) must generally pay annual regulatory fees.²³ However, receive-only earth stations currently are not subject to regulatory fees.²⁴ We note that the filing process outlined in this notice does not apply to any network of earth stations that includes Transmit/Receive or Transmit-Only earth station antennas.

Action by the Chief, International Bureau.

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¹⁹ We note that under the standard Section 25.115(c)(2) process operators would be able to file subsequent applications to add additional earth stations to the network. See 47 CFR § 25.115(c)(2)(ii)-(iv), (vi). For the purposes of filing under the modified process described in this Notice, we will not accept future applications to add earth stations to the network. All antennas at each site must be filed on the Schedule B with the “Lead Application” to be considered part of the network and to qualify for the waivers described in this Notice.

²⁰ See *Freeze PN* at 4-5.

²¹ See 47 CFR § 1.1107. See also International Bureau Application Fee Filing Guide, <https://www.fcc.gov/document/international-bureau-application-fee-filing-guide> (Aug. 30, 2016). The current application fee for a VSAT systems is \$10,620, with fee code BGV. *Id.*

²² We estimate that an operator with more than 24 unique sites to register would incur lower fees when applying as a network than registering each site individually, and thus benefit economically from this filing process.

²³ See *Earth Stations*, FY 2017 International Services Fact Sheet (Sept. 6, 2017), <https://www.fcc.gov/document/fy-2017-international-services-fact-sheet>.

²⁴ See *id.*