

# C-Band Earth Stations: The FCC Made the List; It's Worth Checking It Twice

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Incumbent earth stations operating in the 3700-4000 MHz range are entitled to have eligible space station operators provide a turnkey solution to transition them out of the band to the upper 200 megahertz of the 3.7-4.2 GHz Band. All of an earth station's actual, reasonable, and necessary transition costs, for such transitions are reimbursable. As an alternative to having the space station operator conduct the transition, earth station operators may choose to accept a pre-determined per-earth station lump sum – still being worked on by the Federal Communications Commission's ("FCC's") Wireless Telecommunications Bureau – for *all* their earth stations as sole compensation for moving out of the band themselves regardless of what solution is pursued after the transition, including moving to another band or off the radiofrequency spectrum altogether. (Previously, we covered the [Commission's schedule for the C-Band](#) transition in detail.) The trick, however, is that, to qualify for reimbursement or the lump sum option, the earth stations must be "incumbent." On Monday, July 6, 2020, the International Bureau ("Bureau") issued a [preliminary list](#) of incumbent earth stations that would qualify for reimbursement or the lump sum. The Bureau, in the accompanying [Public Notice](#), provided ten (10) days for interested persons to comment on the list, until Thursday, July 16.

The Bureau intends for the list to be complete. Earth station owners and operators will want to check that list closely to ensure their qualifying earth stations are listed, and all the details are accurate. Otherwise, they may miss compensation to which they are entitled. To reprise, incumbent earth stations must meet the following criteria:

1. Be operational as of the Commission's April 18, 2018, filing freeze and remain operational today.
2. Be registered (receive-only) or licensed (transmit/receive) in the 3700-4200 MHz band (for those stations not registered or licensed prior to April 18, 2018, registration or license applications must have been filed by November 7, 2018).
3. For those stations registered or licensed prior to April 18, 2018, the registrant or licensee must have done one of the following:
  - a. Certified the accuracy of the registration/license information in the International Bureau Filing System ("IBFS") by May 28, 2019;
  - b. Filed a modification/update to the registration or license in IBFS during the April 19 to November 7, 2018 filing window; or

c. Filed a timely renewal application by May 28, 2019.

It is worth noting that the Bureau continues to process some earth station registration and license applications that were timely filed over two years ago before the earth station freeze. The Bureau's list should include earth stations that are the subject of those pending applications, and those stations' status as "incumbent" is conditioned upon an ultimate grant of the pending applications. Stations not meeting the criteria for incumbent status, according to the Bureau, are not listed, including earth stations whose dismissal is not yet final.

If earth station operators or owners review the list (which comes with [instructions](#)) and find errors or omissions, comments seeking to correct the list should be filed in GN Docket No. 20-205 (see the Public Notice for more guidance) reference the existing file number(s) in IBFS. If everything in the list for a given earth station is correct and complete, an earth station registrant or licensee need not file anything with the Commission at this time.

The Public Notice reminds interested parties that they may not submit new filings in IBFS in order to attempt to qualify an earth station for incumbent status. If the above criteria for incumbent earth stations are not already satisfied for a given station, that cannot be rectified now, unfortunately. Similarly, the FCC clarifies that current licensees and registrants cannot at this time make filings to add existing antennas to a registration or license or change an earth station location, although minor corrections (for example, fixing the site address and/or GPS coordinates of an existing earth station location) are permissible.

In parallel with reviewing the Bureau's list, earth station operators and owners may want to review the eligible space station operators' draft transition plans which were filed in the FCC's GN Docket No. 20-173 on June 19, 2020. Comments on those plans from the public are being formally accepted by the Commission through July 13, 2020. The space station operators need to finalize those plans by August 14, 2020.