



**6712-01**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 25**

**[IB Docket No. 16-408; FCC 17-122]**

Updates Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Communications Commission proposes to remove the domestic coverage requirement for non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) satellite systems.

**DATES:** Comments are due **[INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Reply comments are due **[INSERT DATE 75 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** You may submit comments, identified by IB Docket No. 16-408, by any of the following methods:

- Federal Communications Commission's Web Site: <http://apps.fcc.gov/ecfs>.  
Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the SUPPLEMENTARY INFORMATION section of this document.

**FOR FURTHER INFORMATION CONTACT:** Clay DeCell, Clay.DeCell@fcc.gov, 202-418-0803.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Further Notice of Proposed Rulemaking (FNPRM), FCC 17-122, adopted September 26, 2017, and released September 27, 2017. The full text of the FNPRM is available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-17-122A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-122A1.pdf). The FNPRM is also available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

#### Comment Filing Requirements

Pursuant to §§1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of

Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

### Ex Parte Presentations

The proceeding this FNPRM initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules, 47 CFR 1.1200 et seq. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings

are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

#### Paperwork Reduction Act

This document contains proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

#### Synopsis

The Commission requires NGSO FSS systems to provide continuous coverage of the fifty states, Puerto Rico and the U.S. Virgin Islands. Systems with more localized

coverages are prohibited. This requirement stems from a similar requirement placed on NGSO MSS systems which are, as a general matter, unable to share spectrum without causing harmful interference.

The domestic coverage requirement for NGSO FSS systems could be unnecessary or counterproductive, however. For example, among the several pending applications that request waivers of this requirement, one operator seeks to provide service in remote areas of Alaska as part of an “Arctic Satellite Broadband Mission.” Its satellite system would operate in a highly elliptical orbit chosen to maximize service to the Arctic region, but which prevents coverage of the lower United States. Another operator is currently providing low-latency satellite service to Americans at sea. The equatorial orbit of its system, however, precludes U.S. coverage at high latitudes. Such specialized systems may be authorized by foreign administrations and intended to serve only part of the United States. We do not believe it would serve the public interest to block access to these systems solely because of their specialized coverage areas, given that multiple NGSO FSS systems can share the same frequency bands. Rather, we expect that the most efficient way to encourage widespread service offerings by NGSO FSS systems, including in remote and underserved areas of the United States, would be to allow both general and specialized coverage systems.

We therefore propose to remove the domestic coverage requirement for NGSO FSS systems operating in all permitted spectrum bands, which we believe will afford operators greater flexibility in their system designs. We invite comment on this proposal.

Given that this requirement applies to NGSO FSS systems by default, is it appropriate to deny access to every concerned frequency band if a system design does not allow for continuous U.S. coverage? What are the advantages of retaining, or removing, this coverage requirement? For parties that support retaining the domestic coverage requirement, are there particular considerations we should take into account when deciding whether or not to waive it in a particular case?

#### Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this FNPRM. We request written public comments on this IRFA.

Commenters must identify their comments as responses to the IRFA and must file the comments by the deadlines for comments on the FNPRM provided above in DATES. The Commission will send a copy of the FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the FNPRM and IRFA (or summaries thereof) will be published in the Federal Register.

##### A. Need for, and Objectives of, the Proposed Rules

The FNPRM proposes to delete the requirement that non-geostationary, fixed-satellite service systems provide continuous coverage of the fifty United States, Puerto Rico, and the U.S. Virgin Islands, in order to afford operators greater design flexibility.

B. Legal Basis

The proposed action is authorized under Sections 4(i), 7(a), 10, 303, 308(b), and 316 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 160, 303, 308(b), 316.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules May Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

Satellite Telecommunications. This category comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." The category has a small business size standard of \$32.5 million or less in average annual receipts, under SBA rules. For this category, Census Bureau data

for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of less than \$25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The FNPRM proposes to delete a requirement that non-geostationary, fixed-satellite service systems demonstrate that they will provide continuous domestic coverage. This would reduce paperwork costs for such satellite operators.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

The FNPRM proposes to delete a requirement to demonstrate coverage of the United States. This would wholly eliminate the economic and other impacts of this rule. However, the Commission invites comment on this change and any alternatives.

F. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

**List of Subjects in 47 CFR Part 25**

Satellites.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 25 as follows:

**PART 25 – SATELLITE COMMUNICATIONS**

1. The authority citation for part 25 continues to read as follows:

Authority: Interprets or applies 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

**§25.146 [Amended]**

2. In §25.146, remove paragraph (b) and redesignate paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d).

3. In §25.217 revise paragraph (b)(1) to read as follows:

**§25.217 Default service rules.**

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(b)(1) For all NGSO-like satellite licenses for which the application was filed pursuant to the procedures set forth in §25.157 after August 27, 2003, authorizing operations in a frequency band for which the Commission has not adopted frequency band-specific service rules at the time the license is granted, the licensee will be required to comply with the following technical requirements, notwithstanding the frequency bands specified in these rule provisions: §§25.143(b)(2)(ii) (except NGSO FSS systems), (iii) (except NGSO FSS systems), 25.204(e), 25.210(f), (i).

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