

ALERT

FCC Announces Effective Dates for Earth Station Build-Out Rules and Some, But Not All, Orbital Debris Mitigation Disclosure Rules

September 21, 2021

This week, the Federal Communications Commission (FCC or Commission) announced Office of Management and Budget (OMB) approval that sets October 20, 2021 as the effective date for new orbital debris mitigation disclosure requirements for experimental satellite operations and satellite amateur stations. Importantly, OMB approval of the modified Part 25 orbital debris mitigation disclosure rules remains pending.

The Commission adopted the new disclosure requirements in the April 2020 *Mitigation of Orbital Debris in the New Space Age* Report and Order. The revised disclosure rules require applicants to provide specific metrics, including the probability that space stations will become a source of debris by collision with other objects, the probability of such collisions with non-geostationary satellite orbit (NGSO) space stations, and casualty risk associated with any individual spacecraft that will be disposed by atmospheric reentry. Additional requirements include disclosures related to collision risk, trackability of space stations, and NGSO satellite maneuverability as well as an information sharing certification.

Separately, the Commission also announced OMB approval of new rules affecting earth station operators effective September 20, 2021. Adopted as part of the November 2020 *Further Streamlining FCC Rules Governing Satellite Services* Report and Order, the revised Rule 25.133(a) extends the build-out period for most earth station licensees. Specifically, the rule increases the allowable build-out period to five years and six months for earth stations operating with geostationary orbit (GSO) satellites and up to six years and six

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months for those operating with NGSO satellites. The build-out period remains one year for earth stations authorized to communicate with a GSO fixed satellite service space station in the 3600-4200 MHz band operating outside of the contiguous United States or in the 5850-6725 MHz band. Also effective September 20, 2021, earth stations licensed in the 24.75-25.25 GHz, 27.5-28.35 GHz, 37.5-40 GHz, 47.2-48.2, GHz and 50.4-51.4 GHz bands must re-coordinate with licensees of Upper Microwave Flexible Use Service stations if the earth station is brought into operation later than one year after the date of its license grant. Licensees must complete this re-coordination within one year before its commencement of operation.

If you have questions about FCC regulation of satellite services and maintaining a safe orbital environment, please contact the Wiley attorney who regularly assists you with your FCC matters or one of the authors listed on this alert.

Payton Alexander, a Law Clerk at Wiley Rein LLP, contributed to this alert.