

ALERT

FCC Launches New Licensing and Coordination Proposals for Space Launch Service

December 13, 2024

On December 6, 2024, the FCC's Wireless Telecommunications Bureau (WTB) released a Public Notice (PN) seeking comment on licensing and frequency coordination procedures for the part 26 Space Launch Service (SLS) rules adopted by the FCC in 2023. The PN is a follow-up to the September 2023 *Second Report & Order* (Second R&O) in which the Commission delegated authority to WTB "to further refine [the] online application process and accommodate frequency coordination."

The PN requests comment on a variety of technical topics, including launch site registration, procedures for frequency coordination and changing launch parameters, and post-coordination launch registrations. Below we highlight some of the key issues under discussion. Comments on the PN are due 30 days after its publication in the Federal Register.

New Secondary S-Band Allocation

In addition to the 2025-2110 MHz and 2200-2290 MHz bands previously allocated for space launch operations by the Commission, WTB seeks comment on licensing and frequency coordination procedures for the 2360-2395 MHz band. Although the 2360-2395 MHz band did not receive a secondary SLS allocation in the *Second R&O*, WTB explains that the Launch Communications Act (LCA), passed on September 26, 2024, directed the FCC to allocate all three bands on a secondary basis for commercial space launches and reentries. The LCA also directed the FCC to issue regulations to streamline the process for granting authorizations for access to the bands.

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Launch Site and Station Registration

WTB seeks input on the appropriate data to collect for each component of launch infrastructure in the initial station registration and asks whether applicants should be required to submit additional information.

Launch Sites

WTB would require applicants to provide basic information about the launch site, including coordinates, address, and whether the site is an FAA-licensed commercial site or a federal site.

Launch Vehicles (as Mobile Stations)

WTB proposes to classify launch vehicles as mobile stations. Applicants would be required to provide additional technical details beyond those required for terrestrial mobile stations, including the launch vehicle name, location of transmitter on the vehicle or payload (e.g., first stage, second stage), and launch vehicle antenna details (e.g., antenna type, EIRP, beamwidth, emission designator, antenna gain, etc.).

Itinerant & Mobile Stations

Applicants would need to provide an overall description of the station, including its overall purpose within the proposed launch operation, the station's specific function (e.g., transmit/receive, command/telemetry), as well as its radius of operation, general location, and station antenna details.

Fixed & Base Stations

For fixed stations and base stations supporting launch activities, launch providers would need to share basic geographic information about the station and antenna structure, the station's purpose (e.g., transmit/receive or command/telemetry), and station antenna details.

Frequency Coordination

WTB seeks comment both on the data applicants will be required to submit as part of the frequency coordination process, and on the coordination process itself, which will be administered by a third-party frequency coordinator to be selected by the Bureau.

Technical Data Requirements for Coordination

WTB proposes that the same data used when coordinating flight test frequencies also be used for launch frequency coordination. Specifically, WTB proposes requiring applicants to submit: launch site and station registrations; transmitter and emissions characteristics for each center frequency; justification for any bandwidth request higher than 5 MHz; launch site elevation and height information; launch vehicle details; launch and reentry times, ground track, landing zone, and other details; and information on relay satellite stations and ground receivers. WTB also asks whether any other data should be required and whether any of the data currently used for the flight test coordination process are unnecessary for space launch coordination.

Coordination Procedures

WTB proposes that, for non-federal coordination in the 2025-2110 MHz band, the launch spectrum coordinator send coordination requests to the local Society of Broadcast Engineers coordinator 60 days prior to launch, with a response due back 15 days following receipt of the request. WTB asks whether this is sufficient time and whether there are circumstances where launch operators would need to seek coordination closer to a launch date. WTB also anticipates the 2360-2395 MHz band will require coordination with both federal and non-federal flight users and proposes to generally follow current coordination procedures with the flight-testing coordination committee, including requiring launch operators to provide notice 96 hours in advance of a registered launch window.

For federal coordination in all three bands, the LCA requires the development of an automated coordination mechanism with the National Telecommunications and Information Administration (NTIA). In the interim, the WTB proposes the launch frequency coordinator submit coordination requests at least 60 days prior to launch to 1) NTIA's Frequency Assignment Branch for the 2025-2110 MHz and 2200-2290 MHz bands, and 2) the applicable Area Frequency Coordinator (AFC) for the 2360-2395 MHz band. Additionally, WTB requests comment on whether applications including both the 2360-2395 MHz band and at least one other band should be submitted only to the Frequency Assignment Branch to improve efficiency.

WTB further proposes that the launch spectrum coordinator not coordinate a request for bandwidth greater than 5 MHz until the FCC determines that the applicant's justification is sufficient under the Part 26 rules. For all coordination requests, WTB proposes requiring the launch spectrum coordinator to provide applicants with a written response that includes any conditions of coordination.

Post-Coordination Launch Registration

In the *Second R&O*, the Commission adopted rules requiring launch providers to register the technical and operating parameters of a launch after it has successfully coordinated with NTIA and other non-federal users through a third-party frequency coordinator. Providers would not be authorized for launch until after completing these post-coordination launch procedures.

Post-Coordination Registration in ULS

To implement these rules, WTB proposes to make binding the parameters recorded in the post-coordination launch registration once they are accepted in the FCC's Universal Licensing System (ULS) (i.e., providers are only authorized for launch using these parameters). As a result, launch providers would need to update their ULS registration to reflect any re-coordinated parameter changes and would need to wait until such changes were approved in ULS before beginning launch operations under the revised parameters.

Post-Coordination Registration Data Collection

The PN seeks comment on the appropriate data to require from licensees for post-coordination launch registrations, including the purposes of operations, operation start/end dates and times, stations and launch sites to be used, transmission characteristics, and a response from the third-party coordinator on the outcome of coordination (e.g., conditions imposed on the licensee and a list of the entities involved).

Making Certain Launch Data Publicly Available

Finally, the PN proposes requiring launch providers to share their launch trajectory for frequency coordination purposes and seeks comment on whether to ask for this information for registration in ULS. WTB also seeks input on whether any other launch data should be made publicly available in ULS.

If you are interested in filing comments or have questions, please contact one of the attorneys listed on this alert or the Wiley attorney who routinely handles your FCC matter.