

ALERT

FCC Reexamines Options to Expand Protections for Federal Earth Stations Communicating with Commercial Satellite Systems

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Deadlines have been announced for responses to the FCC's Public Notice inviting comment on expanding protections for U.S. government earth stations communicating with commercial satellite systems. Because most spectrum used by commercial Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) systems is not allocated for federal FSS or MSS use, government earth stations communicating with commercial satellites must operate on a non-interference basis in those bands and must accept any interference received, including interference that may hinder operations. As the U.S. government increasingly relies on commercial satellite systems for communications, operations, and more, whether and how to expand federal access to non-federal FSS and MSS spectrum has gained increasing attention. Comments are due July 31, and reply comments are due August 30.

The FCC has considered various proposals over the years to provide federal earth stations with interference-protected access to commercial FSS and MSS spectrum. Calls for increased protection date back to 2006 when the National Telecommunications and Information Administration (NTIA) petitioned the FCC to amend the U.S. Table of Frequency Allocations (ToFA) to add a new, federal allocation to the table along with a footnote restricting federal use to earth stations communicating with non-federal space stations. Under NTIA's proposal, federal earth stations would operate on a co-primary basis alongside commercial earth station operations.

Authors

Jennifer D. Hindin
Partner
202.719.4975
jhindin@wiley.law

Madeleine M. Lottenbach
Partner
202.719.4193
mlottenbach@wiley.law

Kathryne C. Dickerson
Partner
202.719.7279
kdickerson@wiley.law

Practice Areas

Telecom, Media & Technology
Telecommunications & Broadband Service

In 2013, the FCC sought comment on NTIA's proposal as well as an alternative proposal to add a footnote without a new federal allocation to the ToFA providing federal earth stations that communicate with non-federal FSS and MSS space stations the same interference protection afforded to commercial earth stations. This second approach would retain the existing non-federal-only allocation structure while adding a footnote providing interference protection status for U.S. government earth stations.

The Satellite Industry Association (SIA) suggested a third alternative: that FSS and MSS allocations be added to the federal portion of the ToFA along with an indication that the federal allocation is limited to earth stations only. SIA also proposed adding a footnote to the ToFA indicating that the Commission has exclusive regulatory jurisdiction over the co-primary allocations and that NTIA is responsible for assignments for federal earth stations authorized to operate in the bands pursuant to the Commission's Part 25 rules.

In 2021, the Commission sought to refresh the record on these proposals as part of its proceeding on space launch operations. However, it did not take final action in its subsequent report and order, determining instead that the matter should be addressed in a separate proceeding focused specifically on communications between commercial satellites and federal users.

The Public Notice released on June 24 seeks renewed comment on these proposals, as well as any alternative proposals that would provide interference-protected access for U.S. government earth stations communicating with commercial satellite systems in non-federal FSS and MSS bands.