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ALERT

FCC Updates Frequency Allocations and Licensing Rules for Commercial Space Launch Operations

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In an effort to support commercial space launch operations, the Federal Communications Commission (FCC) has approved a Report and Order (Order) enhancing access to 2200-2290 MHz band spectrum and revising spectrum licensing rules. The FCC also adopted a Further Notice of Proposed Rulemaking (FNPRM) inviting comment on additional frequencies that may be suitable for commercial launch services, as well as whether to expand the existing licensing framework to cover other space operations, including payload activities. The agency recognizes the growing cadence of commercial space launches, and it seeks to establish "a spectrum allocation and licensing framework that will provide regulatory certainty and improved efficiency for commercial space launch operations."

The Order improves access to the 2200-2290 MHz band by removing existing limitations to commercial space launch operations as well as adopting a secondary mobile allocation for pre-launch testing in the band. Non-federal operations in the 2200-2290 MHz band, which is used for launch telemetry, are no longer limited to four specific sub-channels (*i.e.*, 2208.5-2213.5 MHz, 2212.5-2217.5 MHz, 2270-2275 MHz, and 2285-2290 MHz). With respect to frequency allocations, the FCC adopts a new secondary allocation in the 2025-2110 MHz band for non-federal space operations and amends the 399.9-400.05 MHz band allocation to allow for the deployment of federal space stations. Coordination of pre-launch operations with the National Telecommunications and Information Administration (NTIA) will continue to be required. The agency has decided not to add new

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allocations at this time for use of the 420-430 MHz, 2360-2395 MHz, and 5650-5925 MHz bands.

The Order also adopts new licensing and technical rules intended to protect federal operations in the 2025-2110 MHz and 2200-2290 MHz bands, as well as "keep pace with evolving spectrum requirements of emerging space launch operations." Going forward, the FCC will issue nationwide, non-exclusive licenses authorizing non-federal spectrum use for space launch operations at multiple launch sites. This includes use of spectrum for telemetry, tracking, and command (TT&C) activities during launch, re-entry, and recovery of the launch vehicle. The new regulations, which will be recorded in a new Part 26 of the FCC's rules, also address use of shared federal/non-federal frequencies as well as codify bandwidth, power, and emission limits. Among other requirements, pre-launch coordination must be facilitated by a third-party frequency coordinator.

The FNRPM seeks comment on ways it can further support the space launch industry, including by providing additional spectrum and expanding the scope of the licensing framework to cover other space operations. In particular, the agency seeks further comment on expanding the use of the 2360-2395 MHz band, which is currently used for flight test purposes, for launch operations, how to administer rules relating to the 2360-2395 MHz band, and whether the 1435-1525 MHz band can effectively accommodate space launch operations. It also invites comment on whether to adopt licensing and operating rules for payload activities, as well as licensing provisions for sub-orbital launch vehicles.

Comments on the FNPRM are due 30 days after publication in the Federal Register, and reply comments are due 60 days thereafter. For more information about the Order and FNPRM, please contact any of the authors listed on this alert.