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Via ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: GN Docket No. 14–177, IB Docket No. 15–256, RM–11664, WT Docket No. 10–112,
IB Docket No. 97–95
Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, et al.
*Ex Parte Communication***

Dear Ms. Dortch:

The Fixed Wireless Communications Coalition, Inc. (FWCC) files this letter in response to the *ex parte* letter of The Boeing Company, EchoStar Satellite Operating Corporation, Hughes Network Systems, LLC, Inmarsat, Inc., Intelsat Corporation, O3b Limited, SES Americom, Inc., and WorldVu Satellites Ltd. d/b/a OneWeb (collectively, “Satellite Interests”) dated June 9, 2017.

BACKGROUND

The Commission’s rules require earth stations to site in UMFUS license areas so as to cause interference to no more than 0.1% of the population.¹

¹ 47 C.F.R. § 25.136.

SES Americom, Inc. and O3b Limited proposed the alternative of a tiered approach with higher limits for license areas having low populations:²

Tier	Type of County	Population	Interference Zone Limit
1	high density	greater than 300,000	0.2%
2	low-to-medium density	6,000 to 300,000	600 people
3	very low density	fewer than 6,000	10%

We responded that the FWCC has no objection in principle to setting different population limits in areas having different populations, but that SES Americom and O3B's numbers are too high and would unacceptably increase allowable interference, relative to the present rules. We proposed an alternative tiered approach using smaller numbers:³

Tier	Type of County	Population	Interference Zone Limit
1	high density	greater than 300,000	0.1%
2	low-to-medium density	6,000 to 300,000	300 people
3	very low density	fewer than 6,000	5%

On June 9, a larger group of Satellite Interests filed a comparison of the original SES Americom/O3b proposal to the present 0.1% limit for three cases of 28 GHz earth stations: tier 1 San Diego County; tier 2 Carroll County, MD; and tier 3 Stark County, IL, whose population of 5,994 comes in just under the limit of 6,000.⁴

DISCUSSION

Unsurprisingly, the Satellite Interests' analysis shows potential earth station interference to more people than the current rule: by 3095, 433, and 593 people, respectively, for the three cases analyzed. Their point is that the increases are small. In San Diego County, they say, "the addition of 0.1 percent of the population is barely perceptible, let alone a significant expansion of earth station rights in the band."⁵ In the tier 1 and tier 2 cases, the Satellite Interests emphasize the numbers of people *not* subject to possible interference.⁶

This has it backwards. Satellite services in these bands have always operated on a non-interference basis to terrestrial services. In adopting the 0.1% rule, the Commission took the unusual step of expressly allowing harmful interference to *any* terrestrial users. We did not object, because to overturn that rule would effectively rule out satellite operations altogether. Now, though, having obtained that extraordinary

² Petition for Reconsideration of SES Americom, Inc. and O3b Limited (filed Dec. 14, 2016).

³ Comments of the Fixed Wireless Communications Coalition at 5 (filed Jan. 31, 2017).

⁴ Letter from Audrey L. Allison *et al.* to Marlene H. Dortch, Secretary, FCC (filed June 9, 2017).

⁵ *Id.* at 3.

⁶ *Id.*

concession, the Satellite Interests seek to widen it. The Commission should draw the line at 0.1% or, alternatively, the tiered approach we proposed.

While the Satellite Interests provide detailed maps and numbers for their three chosen license areas, they are silent on how the proposal would affect UMFUS users elsewhere in the country, or in the 37.5-40 GHz band's Partial Economic Areas. They do not tell us how many license areas fall into each tier in either band. We cannot even tell whether the excess interfered-with populations in the tier 2 and tier 3 cases would be representative nationwide. While we do not accuse the Satellite Interests of cherry-picking their data, the Commission cannot rely on those data without knowing the methodology for choosing the very small samples presented, and for omitting examples at 37/39 GHz.

CONCLUSION

The Satellite Interests' proposal would lock out too many people from UMFUS due to earth station interference. The Commission broke with precedent in allowing interference to 0.1% of the population. The Commission should either leave that rule unchanged or adopt the FWCC-supported tiered approach.

Respectfully submitted,



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