

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of: )  
 )  
Expanding Flexible Use of the 3.7 to 4.2 ) GN Docket No. 18-122  
GHz Band )  
 )

**COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS  
ON PETITION FOR RECONSIDERATION**

**I. INTRODUCTION AND SUMMARY**

The National Association of Broadcasters (NAB)<sup>1</sup> hereby submits comments on a single aspect of the petition submitted by Intelsat License LLC<sup>2</sup> seeking reconsideration of the Commission’s order expanding flexible use in the C-band.<sup>3</sup> In its petition, Intelsat asks the Commission to reconsider the technical standards it adopted or to clarify that, once Intelsat has taken all steps within its control to transition existing services, it should no longer bear responsibility for preserving comparable service to earth station users.

The Commission’s Order makes a clear, fixed and unequivocal commitment to programmers, broadcasters and viewers: earth station users must receive the same or better

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<sup>1</sup> The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

<sup>2</sup> Intelsat License LLC Petition for Reconsideration, GN Docket No. 18-122 (May 26, 2020) (Intelsat Petition).

<sup>3</sup> *Expanding Flexible Use of the 3.7 – 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343 (2020) (Order).

quality of service during and after the transition as they do today.<sup>4</sup> NAB does not oppose Intelsat's request for reconsideration of the technical standards the FCC adopted in this proceeding, nor do we necessarily disagree with Intelsat that space station operators will have limited options for preventing interference caused to earth station operators by flexible use licensees following the transition. But if the Commission concludes that space station operators no longer have responsibility for ensuring the same quality of service to earth station users after the transition, the Commission must make plain that flexible use operators bear responsibility for remediation of any harmful interference. Under no circumstances should the Commission introduce ambiguity into what is currently an unambiguous command that earth station operators, and the viewers and listeners they serve, must be protected during and after the transition.

**II. THE COMMISSION SHOULD RECONSIDER ITS TECHNICAL STANDARDS OR CLARIFY RESPONSIBILITY FOR TESTING AND REMEDIATION FOLLOWING THE TRANSITION**

Intelsat states that, after reviewing the technical rules the Commission adopted for flexible use licensees in the C-band, it believes these rules will likely be insufficient to protect existing earth station operators in all cases.<sup>5</sup> Intelsat believes interference may occur even where flexible use licensees are operating in accordance with the technical rules the Commission adopted. Accordingly, Intelsat asks the Commission to reconsider the out-of-band-emissions limits to provide greater protection for earth station operators. Regardless of whether the Commission alters those limits, however, Intelsat asks the Commission to clarify that space station operators do not bear responsibility for remediating interference that

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<sup>4</sup> Id. at ¶ 194.

<sup>5</sup> Intelsat Petition at 12.

occurs after the transition, explaining that space station operators will have essentially no way to prevent such interference from occurring.<sup>6</sup>

We agree with Intelsat that the Commission's OOB limits leave open the potential for harmful interference to earth stations in at least some cases. In particular, as NAB noted during the rulemaking, flexible use base stations operating in compliance with the Commission's rules may nonetheless cause harmful interference to nearby earth stations with low look angles (less than the 19 degrees the Commission's rules assume) to their satellite space stations.<sup>7</sup> Similarly, NAB is sensitive to Intelsat's concern that, after it has completed the transition, Intelsat may have limited options for preventing harmful interference caused by new flexible use licensees.<sup>8</sup> Accordingly, we would support reconsideration of the OOB limits or the clear specification of a definition for interference protection when the PFD limits are inadequate to prevent such interference, and do not oppose the clarification that Intelsat requests regarding its responsibilities.

Critically, however, any changes the Commission makes must honor the commitments it has made to protect existing services. The Commission made an unambiguous commitment to protect C-band services in this proceeding. The Commission also chose to adopt technical rules that leave open the possibility that those services will receive interference. If the Commission does not adjust those rules, and does not require space station operators to remediate interference that will inevitably occur in at least some instances, it must make clear who has responsibility for costs and technical solutions necessary for such remediation.

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<sup>6</sup> Intelsat Petition at 18-19.

<sup>7</sup> Letter from Patrick McFadden to Marlene H. Dortch at 4, GN Docket No. 18-122 (Feb. 14, 2020).

<sup>8</sup> Intelsat Petition at 19.

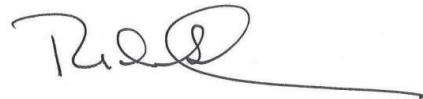
If the Commission agrees that space station operators do not bear this responsibility, it must make plain that flexible use operators are required to promptly address any interference that does occur. Any other outcome risks leaving broadcasters, who have asked for nothing more than to be kept whole in a proceeding that provides them with no benefit, at risk of substantial disruptions that could leave them unable to continue to serve their viewers and listeners.

### III. CONCLUSION

Regardless of the Commission's willingness to its OOB limits as Intelsat requests, if the FCC clarifies that space station operators are not responsible for mitigating interference after the transition, it should at the same time clarify that flexible use operators are responsible for any costs or technical fixes associated with testing and remediation of such interference. Any other outcome would constitute a reversal of the Commission's commitment to protect and preserve existing C-band services.

Respectfully submitted,

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