

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

Fixed Wireless Communications Coalition, Inc.) RM-11778
Request for Modified Coordination Procedures in)
Bands Shared Between the Fixed Service and the)
Fixed Satellite Service)
)

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ submits these comments in response to the petition for rulemaking submitted by the Fixed Wireless Communications Coalition, Inc. (FWCC) on October 11, 2016.² In its petition for rulemaking, FWCC seeks to eliminate the Commission’s longstanding and highly successful full-band, full-arc earth station licensing policy, under which FSS earth stations may coordinate across the entire frequency band over the entire geostationary arc. The Commission should reject FWCC’s petition.

Grant of this petition would have serious ramifications for broadcasters and programmers, as well as the satellite industry. Hundreds of broadcast television stations rely on Fixed Satellite Service (FSS) earth stations to receive network and other syndicated programming that these stations then transmit to viewers. In addition, transportable FSS uplink and downlink systems are used for thousands of broadcast events broadcast each year. These systems are used to bring viewers coverage of sporting events such as NFL and

¹ The National Association of Broadcasters is a 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.

² Fixed Wireless Communications Coalition, Inc. Petition for Rulemaking, RM-11778 (Oct. 11, 2016) (FWCC Petition).

college football games, professional golf tournaments, and entertainment events such as the Academy Awards.

Preserving the longstanding flexibility that full-band, full-arc licensing provides is essential to broadcasters and other users that rely on satellite services. Such flexibility has allowed satellite operators to recoup sunk investments in space station facilities through growth in the fixed satellite service, has promoted competition among satellite operators and has allowed satellite operators to respond rapidly to changing customer requirements and to restore service in the event of transponder or satellite failures.

Significantly, this is not the first time FWCC has raised this issue. As the Satellite Industry Association (SIA) demonstrates, FWCC previously raised many of the same arguments it makes in its petition in a 1999 petition for rulemaking.³ The Commission rejected these arguments in 2002.⁴ The Commission stated that FWCC had failed to develop a record that could justify the “extensive relief sought by FWCC.”⁵ Despite this fact, FWCC has not even attempted to place before the Commission the detailed and substantial evidence that might warrant a different conclusion now. Accordingly, the Commission should dismiss the FWCC petition outright as repetitious and not warranting further Commission consideration.⁶

³ Petition to Dismiss or Deny of the Satellite Industry Association at 2-4, RM-11778 (Jan. 9, 2017) (SIA Petition).

⁴ *FWCC Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service That Share Terrestrial Spectrum*, Second Report and Order, 17 FCC Rcd 2002 (2002).

⁵ *Id.* at ¶ 13.

⁶ 47 C.F.R. § 1.401(e).

In fact, not only is there no evidence that full-band, full-arc licensing is causing a problem, there is substantial evidence and experience confirming the public interest benefits of full-band, full-arc licensing. NAB agrees with SIA that “the flexibility of an earth station operator to shift frequencies and/or satellites without going through a lengthy re-licensing process promotes competition, enables satellite operators to provide service following a natural disaster or other emergency, and facilitates service continuity or restoration if a transponder or satellite suffers a problem.”⁷ This flexibility also allows operators to readily resolve interference issues, coordinate with adjacent spacecraft, and allow the provision of occasional use services.

Even if FWCC presented evidence demonstrating a problem, which it does not, its proposed solution would be unworkable in practice. FWCC proposes a waiver process where FSS applicants can coordinate additional combinations of frequency, azimuth, and elevation angle as “growth capacity” and suggests fixed service applicants would make efforts to avoid blocking such growth capacity.⁸ Such a waiver process would be cumbersome and wholly ineffective to deal with situations that regularly occur with broadcasters’ use of FSS earth stations and satellites.

Broadcasters’ earth station facilities must have the flexibility that full-band, full-arc licensing has provided to maintain programming to the public. Broadcast stations routinely need to access programming from different network feeds or other sources, which may be on almost any transponder or satellite. For example, east coast and west coast network feeds may use different satellites and channels, and a station that is unable to receive one feed can

⁷ SIA Petition at ii.

⁸ FWCC Petition at 8.

often utilize the other. “Sun outages,” where electromagnetic radiation from the Sun overwhelms satellite signals, occur regularly, making certain satellites completely unavailable for periods of time. Absent the backup capability assured by full-band, full-arc licensing, such outages can disrupt stock markets and other financial transactions as well as distribution of radio and television programming. NAB agrees with SES Americom that there are a wide range of situations that make such flexibility necessary, such as loss of a transponder or loss of capacity on a particular satellite that would require service to be temporarily or even permanently moved from one satellite to another.⁹ These situations cannot be predicted ahead of time. In addition, users must have the capability and flexibility to switch to different satellite suppliers for business reasons such as when existing service contracts end. More fundamentally, all earth stations operate as part of an overall network and no earth station licensee can be assured that it will be able to rely on a single satellite over the long term.

FWCC’s claim that its petition provides a reasonable balance between fixed service operators’ needs and earth stations’ needs for flexibility is unsupportable. An ineffective and cumbersome waiver process is hardly a reasonable balance for the elimination of full-band, full-arc license flexibility on which broadcasters and other users rely. We urge the Commission to dismiss FWCC’s petition promptly.

⁹ Petition to Dismiss or Deny of SES Americom, Inc. at 4-5, RM-11778 (Jan. 9, 2017).

Respectfully submitted,

**NATIONAL ASSOCIATION OF
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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal flourish extending to the right.

Rick Kaplan
Patrick McFadden

Bruce Franca
Alison Neplokh
Robert Weller

January 24, 2017

CERTIFICATE OF SERVICE

I, Susan Baurenfeind, certify that on this 24th day of January, 2017, I have caused a true and correct copy of the foregoing Comments to be served via first class mail, postage paid, upon:

Andrew Kreig
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By: /s/ Susan Baurenfeind
Susan Baurenfeind