



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 00-2670

Report No. SAT-00060

Monday November 27, 2000

SATELLITE POLICY BRANCH INFORMATION

Applications Accepted for Filing

The applications listed below have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of the applications if, upon further examination, it is determined the application is not in conformance with the Commission's rules or its policies. Petitions, oppositions and other pleadings filed in response to this notice should conform to Section 25.154 of the Commission's rules, unless otherwise noted. 47 C.F.R. § 25.154.

SAT-A/O-20001117-00160

SPACEDATA INTERNATIONAL LLC (SDI)

Authorization to Operate

On August 4, 2000, SpaceData International, LLC (SDI) filed an application to operate the Tracking and Data Relay Satellite System (TDRSS) for six months on time-share basis pursuant to Sections 301 and 303(c) of the Communications Act. SDI is currently operating TDRSS on this basis pursuant to a Special Temporary Authority (STA) and an Experimental License. Under that STA, SDI was granted authority to operate TDRSS on a time-share basis, solely for purposes of testing its service on no more than three vessels for 180 days, until February 25, 2001. The STA was subject to conditions including: (i) frequency bands that were modified from the requirements in the application; (ii) the operations will be on an unprotected, non-harmful interference basis to all Government stations; and (iii) the TDRSS satellites receiving from ship earth stations are limited to communicating with ship earth stations that are located at least 100 km from any coastline. For all the conditions on SDI's STA, see Letter from Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, to Mr. Phillip L. Spector, Counsel for SpaceData International LLC, dated August 29, 2000.

TDRSS is owned by the National Aeronautics and Space Administration (NASA). It consists of six satellites that NASA uses to provide global tracking and data relay services for Federal Government agencies. SDI seeks authority to operate five of those six satellites. Those satellites are located at 41° W.L., 45° W.L., 47° W.L., 171° W.L., and 174° W.L. SDI plans to transmit data to and from ships conducting ocean floor surveys in search of potential oil and gas deposits to NASA's facilities in White Sands, New Mexico. SDI asserts that it must use TDRSS rather than a commercial satellite system because no commercial satellite system is technically capable of meeting SDI's service requirements.

Because SDI's proposed service does not conform to the Table of Frequency Allocations, SDI requests a waiver of Section 2.106 of the Commission's rules. In its application, SDI seeks authority to operate in the following frequency bands:

- Uplink from the ships to TDRSS: 14887.8 MHz to 15118.9 MHz.
- Downlink from TDRSS to White Sands: 13412.8 MHz to 13643.9 MHz and 13812.8 MHz to 14043.9 MHz.
- Uplink from White Sands to TDRSS: 14598.7 MHz to 14651.2 MHz and 15173.7 MHz to 15226.2 MHz.
- Downlink from TDRSS to the ships: 13747.9 MHz to 13802.0 MHz.

These frequencies are allocated to Government use. Section 2.102(c) of the Commission's rules, 47 C.F.R. § 2.102(c), allows non-Government stations to use Government frequencies only under certain conditions. One of those conditions is that "Such operations shall not cause harmful interference to Government stations and, should harmful interference result, that the interfering non-Government operation shall immediately terminate." Section 2.102(c)(3) of the Commission's rules, 47 C.F.R. § 2.102(c)(3).

SDI specifies in its application that it seeks authority to operate under the following conditions:

(1) SDI will not have an exclusive or first-priority right to operate TDRSS; rather, SDI will operate TDRSS only on a time-share basis and subject to the rights of other authorized government users. No operation by SDI of TDRSS may interfere with any authorized government use of TDRSS, and any SDI operation of TDRSS may be preempted at any time for other authorized, higher-priority government uses.

(2) SDI will not operate when the ship transmitting information is within a certain distance of any country and agrees to comply with any additional use restrictions that the FCC may communicate to SDI from time to time.

(3) SDI agrees to maintain a log recording (i) all times when SDI transmits data via TDRSS; (ii) the location of each vessel during such transmission, (iii) the frequency band utilized, and (iv) the data rate. SDI will file the logs with the Commission semi-annually, and acknowledges that the Commission will make those logs available to the general public.

(4) SDI understands that the operational license it requests would be effective only as long as, and until, such time as any commercial satellite operator is able to demonstrate that it is able to provide an alternative to TDRSS that meets SDI's needs.

(5) SDI will comply with all the terms of its contract with NASA.

(6) SDI agrees that the operational license requested here will expire upon the earlier of (i) ten years from the date on which it is granted; (ii) any termination of its contract with NASA; or (iii) such time as a commercial alternative is available pursuant to item 4.

We invite interested parties to comment on any issue raised by SDI's application or waiver request, including but not limited to SDI's claim that there are no commercial alternatives to TDRSS that meet SDI's needs. Comments or petitions to deny may be filed on or before December 27, 2000. Reply comments or oppositions to petitions to deny may be filed on or before January 8, 2001. Responses may be filed on or before January 15, 2001.

This proceeding is an adjudicative licensing proceeding and is generally restricted under the Commission's ex parte rules. See 47 C.F.R. §§ 1.1202(d), 1.1208.

For further information, contact Kathleen Campbell at (202) 418-0753, or Steven Spaeth (202) 418-1539.