



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 04-195
January 28, 2004

INTERNATIONAL BUREAU CLARIFIES DIRECT BROADCAST SATELLITE SPACE STATION APPLICATION PROCESSING RULES

Report No. SPB-198

In June 2002, the Commission adopted the *Part 100 R&O* that changed the rules for Direct Broadcast Satellite (DBS) licensing.¹ In that Order, the Commission eliminated the DBS-specific application, processing, and licensing requirements in Part 100 of the Commission's rules and incorporated the DBS service into Part 25 of the Commission's rules so that DBS regulation would more closely reflect the regulation of other satellite services.² The Commission reasoned that information required by Part 25 is more comprehensive and specific than what was required under Part 100 and would allow the Commission to better evaluate each application.³ Consequently, DBS applicants must now follow Section 25.114 of the Commission's rules,⁴ which governs applications for space station applications.

Recently, the Commission conducted a comprehensive review of its space station rules and underlying policies, including the policies and practices related to Section 25.114. In the *First Space Station Reform Order*⁵ the Commission revised the space station licensing process to adapt it to today's satellite environment. As part of the measures adopted in the *First Space Station Reform Order*, the Commission determined to continue to require applications to be substantially complete when filed.⁶ As the Commission noted, the procedures and rules it adopted, including the requirement that applications must be substantially complete when filed, will enable the Commission to establish satellite licensees' operating rights clearly and quickly, and as a result, allow licensees to provide service to the public much sooner than might be possible under our previous licensing procedures.⁷ Finding incomplete applications acceptable for filing is not consistent with the rules and policies adopted by the

¹ Policies and Rules for the Direct Broadcast Satellite Service, *Report and Order*, 17 FCC Rcd 11331, 11350 (para. 36) (2002) ("*Part 100 R&O*").

² *Id.*

³ *Id.* at 11350 (para. 35).

⁴ 47 C.F.R. § 25.114.

⁵ Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760 (2003) (*First Space Station Reform Order*).

⁶ *Id.* at 10852 (para. 244), *citing* Amendment of the Commission's Space Station Licensing Rules and Policies, *Notice of Proposed Rulemaking*, IB Docket No. 02-34, 17 FCC Rcd 3847, 3875 (para. 84) (2002) (*Space Station Reform NPRM*).

⁷ *First Space Station Reform Order*, 18 FCC Rcd at 10765-66 (para. 4).

Commission in the *First Space Station Reform Order* and only serves to create uncertainty and inefficiencies in the licensing process.

Most significantly, Section 25.114⁸ of the Commission's rules explicitly requires all space station applicants, including DBS applicants, to submit certain specified information. This includes all applicable items of information listed in its subsections. We note that much of the foregoing information will be incorporated in new Schedule S, "Satellite Space Station Authorizations (Technical and Operational Description)," together with FCC Form 312, "Application for Satellite Space and Earth Station Authorizations."⁹ Once Schedule S is available, DBS applicants must file Schedule S. In addition, the narrative information now required in Section 25.114(d) as revised in the *Third Space Station Reform Order* will be required to be filed with Schedule S.¹⁰ Before Schedule S is available, however, DBS applicants must provide all of the required information in Section 25.114 in narrative form.

Consequently, we place DBS applicants on notice that, as of the date of this Public Notice, if a DBS application fails to include any of the required information as described above, the Bureau will return the application without prejudice to refiling as being unacceptable for filing. If a substantially complete application is refiled for the same space station for which the original defective application was filed, no additional fee is required.¹¹

Applications filed prior to this Public Notice that do not meet these requirements may be subject to a Commission letter requesting that the applicant provide the required information. Failure to respond in a timely manner to the request for information may result in dismissal of the application.

For further information, contact Robert G. Nelson at (202) 418-2341.

⁸ 47 C.F.R. § 25.114.

⁹ See Amendment of the Commission's Space Station Licensing Rules and Policies, *Third Report and Order*, 18 FCC Rcd 13486, 13492-93 (paras. 11-15) (2003) (*Third Space Station Reform Order*).

¹⁰ Id. at 13523-24 (Appendix B).

¹¹ See 47 C.F.R. § 1.1109(d).