



# PUBLIC NOTICE

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## International Bureau Invites Applicants to Amend Pending V-Band Applications

Report No. SPB-199

In 1997, the International Bureau (Bureau) announced a cut-off date for applications for satellite systems to operate in the 37.5-40.5 GHz and 47.2-50.2 GHz bands (V-band).<sup>1</sup> The parties listed in the Appendix to this Public Notice filed applications by the cut-off date.<sup>2</sup> More recently, the Commission adopted an Order revising the rules governing operations in the V-band.<sup>3</sup> We invite the applicants listed in the Appendix to file amendments needed to update their applications, no later than **45 days** after the release date of this public notice. Any application that is not amended will be dismissed as defective because it does not substantially comply with the Commission's rules and regulations.<sup>4</sup> The Bureau will review the amended applications to determine whether they are substantially complete, and acceptable for filing. If so, the Bureau will place the amended applications on public notice. Amended applications that are not substantially complete will be returned to the applicant.<sup>5</sup>

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<sup>1</sup> The original cut-off date was August 21, 1997. Applications Accepted for Filing, Cut-Off Established for Additional Space Station Applications and Letters of Intent in the 36-51.4 GHz Frequency Band, *Public Notice*, 12 FCC Rcd 10450 (Int'l Bur., 1997). The cut-off date was later extended to September 5, 1997, and then again to September 26, 1997. Clarification and Corrections to Public Notices, Report Nos. SPB-88 and SPB-89, Establishing Deadlines for Applications, Letters of Intent, and Amendments to Applications in the 2 GHz and 36-51.4 GHz Frequency Bands, *Public Notice*, 12 FCC Rcd 12050 (Int'l Bur., 1997); Extension of Cut-off Dates for Applications, Letters of Intent, and Amendments to Applications in the 2 GHz and 36-51.4 GHz Frequency Bands, *Public Notice*, Report No. SPB-99 (released Sept. 4, 1997).

<sup>2</sup> The Appendix does not include applications that were later withdrawn.

<sup>3</sup> Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz and 48.2-50.2 GHz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocations in the 40.5-42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9-47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0-38.0 GHz and 40.0-40.5 GHz for Government Operations, *Second Report and Order*, IB Docket No. 97-95, FCC 03-296 (released Dec. 5, 2003).

<sup>4</sup> 47 C.F.R. § 25.112(a)(2).

<sup>5</sup> Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (para. 244) (2003) (*First Space Station Reform Order*) (*petitions for reconsideration pending*); Applications of PanAmSat Licensee Corp. For Authority to Construct, Launch, and Operate a Hybrid Satellite System in its Separate International Communications Satellite System, *Order on Reconsideration*, 18 FCC Rcd 23916 (Int'l Bur., 2003).

The Bureau will consider all substantially complete applications as amended pursuant to new space station licensing procedures adopted in the *First Space Station Reform Order*. In that Order, the Commission adopted two procedures, each for a different type of satellite application. For nongeostationary satellite orbit (NGSO) satellite system applications, and for geostationary satellite orbit (GSO) mobile satellite service (MSS) satellite system applications (together, NGSO-like applications), the Commission adopted a modified processing round approach. Generally, the Commission will announce a cut-off date for a processing round, review each application filed in the processing round to determine whether the applicant is qualified to hold a satellite license, and divide the available spectrum equally among the qualified applicants.<sup>6</sup> Licensees would select their specific spectrum assignments at the time they begin launching their satellite systems.<sup>7</sup>

For GSO satellite applications other than MSS satellite systems (GSO-like applications), the Commission adopted a first-come, first-served approach. Applications are reviewed one at a time, in the order they are filed. Each application will be granted unless, upon review, the Bureau finds that the applicant is not qualified, or the proposed satellite would cause harmful interference to a previously licensed satellite. In the event that two mutually exclusive GSO-like applications are filed at the same time, the Commission will consider them together.<sup>8</sup> If both applicants are qualified, the Commission will license them to operate in half the spectrum at that orbit location.<sup>9</sup>

In new frequency bands, the Commission decided that, in cases where there are no service rules establishing criteria for sharing between GSO and NGSO satellite systems, it will consider only applications of the kind that is filed first. In the event that one or more GSO-like satellite system applications and one or more NGSO-like satellite system applications are filed in a new band at the same time, the Commission concluded that it will designate part of the band for GSO-like satellites and the rest of the band for NGSO-like satellite systems, based on the proportion of qualified GSO-like applicants to qualified NGSO-like applicants.<sup>10</sup>

Finally, the Commission determined that applying these new procedures to the pending V-band applications listed in the Appendix to this public notice would not impair the rights an applicant possessed when it filed its application, increase any applicant's liability for past conduct, nor impose new duties on applicants with respect to transactions already completed. The Commission therefore directed the International Bureau (Bureau) to apply the new procedures to the pending V-band applications.<sup>11</sup>

Accordingly, the portions of the V-band allocated to satellite service, in both the uplink and the downlink frequency bands, will be divided proportionally between qualified NGSO-like and GSO-like satellite system applicants. For example, if the Bureau finds that all the parties with pending applications are qualified, the Bureau will license the NGSO-like applicants to operate in 4/7 of the V-band spectrum allocated to satellite services, and will license the GSO-like applicants to operate in the other 3/7 of the V-band spectrum allocated to satellite services. With respect to the NGSO-like applications, the Bureau will

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<sup>6</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10782-86 (paras. 48-55).

<sup>7</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10783 (para. 48).

<sup>8</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10804-12 (paras. 108-31).

<sup>9</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10812-13 (paras. 132-35).

<sup>10</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10786-87 (para. 58).

<sup>11</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10865 (para. 279).

divide the NGSO-like portion of the V-band among the qualified V-band NGSO applicants. With respect to GSO-like applications, the Bureau will treat them as though they were filed at the same time. In cases where only one qualified GSO-like applicant has requested a particular orbit location, and the record supports granting the application, the Bureau will grant that application. In cases where two or more qualified GSO-like applicants have requested mutually exclusive orbit locations, and the record supports granting all the applications, the Bureau will divide the spectrum at those locations equally among all the qualified applicants.

TRW obtained approval to enter into a merger with Northrop Grumman in 2002.<sup>12</sup> TRW has filed applications to amend its pending V-band applications to reflect the merger, and a waiver of the Commission's "cut-off" rules. Those amendment applications and waiver request are still pending. In this public notice, we invite comment on TRW's merger-related amendment applications and waiver request. Thus, comments on any of these TRW amendment applications or waiver request are due no later than **30 days** after the release date of this public notice. Oppositions are due no later than **40 days** after the release date of this public notice. Replies are due no later than **45 days** after the release date of this public notice.

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<sup>12</sup> Application of TRW Inc., Transferor And Northrop Grumman Corporation, Transferee For Consent to Transfer of Control of Authorization to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, *Order and Authorization*, 17 FCC Rcd 24625 (Int'l. Bur., Sat. Div., 2002).

## APPENDIX

### NGSO-Like License Applications

<u>Applicant</u>	<u>File Number</u>
Denali Telecom, Inc.	SAT-LOA-19970926-00127
Globalstar	SAT-LOA-19970926-00128
Orblink L.L.C.	SAT-LOA-19970925-00109
TRW, Inc.	SAT-LOA-19970904-00080

### GSO-Like Orbital Assignment Requests

<u>Orbit Location</u>	<u>Applicant</u>	<u>File Number</u>
113° W.L.	TRW	SAT-LOA-19970904-00084
112° W.L.	Spectrum Astro	SAT-LOA-19970926-00162
93° W.L.	CAI	SAT-LOA-19970925-00123
83° W.L.	TRW	SAT-LOA-19970904-00081
77° W.L.	Spectrum Astro	SAT-LOA-19970926-00157
15° E.L.	TRW	SAT-LOA-19970904-00082
17° E.L.	Spectrum Astro	SAT-LOA-19970926-00160
66° E.L.	Spectrum Astro	SAT-LOA-19970926-00159
112° E.L.	TRW	SAT-LOA-19970904-00083
122° E.L.	Spectrum Astro	SAT-LOA-19970926-00158