



Federal Communications Commission
Washington, D.C. 20554

May 27, 2009

DA 09-1156

Small Entity Compliance Guide

Satellite Licensing Procedures

Eighth Report and Order
FCC 08-246
IB Docket No. 00-248
Released October 17, 2008

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket. This Guide is not intended to replace the rules, which provide the final authority in this context. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide might not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide. Any decisions regarding a particular small entity will be based on application of the statute and regulations. Interested parties are free to file comments regarding this Guide and its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to clarify or update its contents. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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TTY: 1-888-TELL-FCC (1-888-835-5322)

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Objectives of the Proceeding

In the *Part 25 Streamlining Eighth Report and Order*, the Commission streamlined its non-routine earth station processing rules, by adopting a new earth station procedure that will enable the Commission to treat more applications routinely than was possible under the previous earth station procedures. "Routine" earth station applications are those for earth stations that meet certain technical requirements spelled out in the Commission's rules (47 C.F.R. §§ 25.134, 25.209, 25.211, 25.212). "Routine" earth station applications can be granted without a detailed engineering review. On the other hand, "non-routine" earth station applications are those for earth stations that do not meet certain technical requirements spelled out in the Commission's rules. The Commission may grant these applications, but only after a detailed engineering review.

Specifically, the Commission adopted an off-axis equivalent isotropically radiated power (EIRP) envelope approach as one method for routine earth station applicants to apply for Fixed Satellite Service (FSS) earth station licenses in the conventional C-band and Ku-band. This off-axis EIRP approach gives earth station applicants the flexibility to reduce their power levels to compensate for a small antenna diameter. Thus, using these envelopes as criteria for licensing should enable the Commission to treat as routine some earth station applications that were non-routine under the previous rules. This, in turn, will expedite the provision of satellite services to consumers and enhancing the types of services available, without increasing the likelihood of harmful interference to adjacent satellite operators or to terrestrial wireless operators.

Rules That the Commission Amended

- The Commission **adopted off-axis EIRP envelopes** for routine earth station operators in the Fixed Satellite Service (FSS) (47 C.F.R. § 25.218). Previously, to be considered routine, all earth station applicants were required to meet specific input power level and antenna gain performance standards. Under this new rule, applicants choosing the off-axis EIRP option can offset changes in input power level with changes in antenna gain, and still receive routine treatment.

Impact on Small Business

This new rule will have no significant adverse impact on small entities.

Earth Station License Application Procedures

- As a result of this Order, we now have three procedures for earth station applications.
- First, applications for earth stations with antennas of routine diameter or greater, to be operated at routine power levels or lower, will be processed routinely.

- By "routine diameter," we mean earth stations that meet the antenna gain requirements of Section 25.209 of the Commission's rules, 47 C.F.R. § 25.209. Generally, this is 1.2 meters for Ku-band earth stations, and 4.5 meters for C-band earth stations.
- By "routine power level," we mean the power levels specified in Sections 25.134, 25.211, or 25.212 of the Commission's rules, 47 C.F.R. §§ 25.134, 25.211, 25.212.
- Second, earth station applications that do not meet these standards, but fall within the applicable off-axis EIRP envelope in Section 25.218 of the Commission's rules, 47 C.F.R. § 25.218, will be processed routinely and placed on 30 days' public notice.
- Third, license applications for earth stations that will exceed the off-axis EIRP envelope will be considered pursuant to a certification procedure.
- Under this procedure, applicants must provide a certification from the operator of each space station with which the applicant plans to communicate, showing that the space station operator has coordinated the non-routine earth station operations with its neighboring satellite operators.

Recordkeeping and Other Compliance Requirements

The rules adopted in this *Eighth Report and Order* are not intended to increase the reporting, recordkeeping and other compliance requirements of any licensee, and we do not anticipate any differential treatment to be received by larger and smaller entities.

Weblink and Citations

Eighth Report and Order and Order on Reconsideration, FCC 08-246, 23 FCC Rcd 15099 (2008); 73 Fed. Reg. 70897 (Nov. 24, 2008);
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-246A1.pdf