



PUBLIC NOTICE

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DA 16-1036
September 13, 2016

INTERNATIONAL BUREAU ANNOUNCES EFFECTIVE DATE OF RULES ADOPTED IN THE PART 25 SECOND REPORT AND ORDER;

GUIDANCE ON FILING SUBMISSIONS UNDER TWO-PART APPLICATION PROCESS FOR GSO FSS SPACE STATION LICENSES

IB Docket No. 12-267

On December 15, 2015, the Commission adopted a Second Report and Order amending many of its rules governing satellite services.¹ On August 18, 2016, a summary of that decision and the final rules were published in the Federal Register.²

Accordingly, the International Bureau (Bureau) announces that the revised rules will take effect on **September 19, 2016**. With the new rules in effect there will be several changes in filing procedures. This public notice provides guidance concerning those changes. Specifically:

1. Use of the new, web-based Schedule S form will become mandatory on September 19.³
2. Under new section 25.119(h) of the rules, pro forma assignments or transfers of control of licenses held by telecommunications carriers, as defined by 47 U.S.C. 153(51), no longer require prior approval. Instead, the transferee or assignee must notify the Commission, using Form 312 and Schedule A, within 30 days of the transaction. The notification must include a certification that the transfer of control or assignment was pro forma, and that, together with all previous pro forma transactions, it did not result in a change in the actual controlling party. A statement to this effect included in an exhibit to the application, such as the exhibits required by Question A20 and A21 of Schedule A, will be considered sufficient to satisfy this requirement. Licensees will be considered telecommunications carriers eligible to take advantage of this rule if the license specifically states that it is for “common carrier” operations. Notifications under this new rule will be processed beginning September 19.

¹ *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713 (2015) (*Second Report and Order*), corrected, 30 FCC Rcd 14713 (2016).

² *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, 81 FR 55316 (Aug. 18, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-08-18/pdf/2016-14800.pdf>. The revised information collections were preapproved by the Office of Management and Budget on May 16, 2016. Notice of Office of Management and Budget Action, <http://www.reginfo.gov/public/do/DownloadNOA?requestID=273546>.

³ *International Bureau Announces the Launch of a New Web-Based Satellite Space Station Electronic Filing System; New “Schedule S” Goes Live on July 25, 2016*, Public Notice, DA 16-831 (IB July 27, 2016).

3. Pursuant to new Section 25.119(i) of the rules, pro forma assignments or transfers of control of licenses held by entities that are not telecommunications carriers will be deemed granted one business day after filing under two conditions. First, applicants seeking to take advantage of this rule must certify in the negative to Question 35 of Form 312 (“Does the applicant request any waivers or exemptions from any of the Commission’s Rules?”). Second, applicants must certify that the proposed transfer of control or assignment is pro forma and that, together with all previous pro forma transactions, it did not result in a change in the actual controlling party. A statement to this effect included in an exhibit to the application, such as the exhibits required by Question A20 and A21 of Schedule A, will be considered sufficient to satisfy this condition. Applications under this new rule will be processed beginning September 19, with a first possible “deemed granted” effective date of September 20. Applications processed under this rule will list the effective date of the deemed grant as the first business day following the date of filing.
4. Pursuant to new section 25.119(j), notifications of pro forma transfer of control of a receive-only earth station are no longer required. Beginning September 19, any such notifications filed will be returned without action.
5. The Bureau will begin accepting first-step applications under section 25.110(b)(3)(i) or (ii), and notifications of “non-routine” transmissions under section 25.140(d), at **2:00 p.m. EDT** on September 19, 2016.

Parties seeking to avail themselves of the optional two part licensing process should do so through the International Bureau Filing System (IBFS) using the following filing procedures:

The applicant must file a New Authorization application using IBFS. IBFS will then generate a file number (“launch and operate authority” (LOA)) and call sign and will provide a time stamp for creation of the filing, which will establish the applicant’s place in the queue.

As part of the first step of the two-step application process, the applicant must file a completed Form 312, Main Form. Although the Commission’s rules require submission of only the information required by items 1-17, 43, 45, and 46 of the Form 312 at this stage,⁴ IBFS currently requires applicants to complete the entirety of Form 312 in order to submit an application. For items other than items 1-17, 43, 45, and 46, the Bureau advises applicants to answer “not applicable” wherever possible, or to answer the questions to the best of their ability, with the knowledge that these questions are not part of the first-step application process and will not be reviewed as part of the first-step process. For item 24 (Frequency Bands), the Bureau advises applicants to select “Other” and list the lower frequency as “1 MHz” and the upper frequency as “2 MHz”.

The applicant must submit the filing fee for a GSO space station license through IBFS using Form 159.⁵

⁴ 47 CFR § 25.110(b)(3)(i), (ii).

⁵ See *Second Report and Order*, 30 FCC Rcd at 14722-23, para. 21, 14729, para. 33; see also 47 CFR § 25.110(f).

After the applicant has submitted the Form 312 and paid the filing fee, the applicant must submit in the file, within the next business day, the following additional required items using the “pleadings and comments” function of IBFS:⁶

A declaration of unconditional acceptance of ITU cost-recovery responsibility in accordance with 47 CFR § 25.111(d);⁷

A draft Coordination Request, or for applications for GSO FSS space station operations subject to the provisions in Appendix 30B, a draft ITU filing to convert an allotment into an assignment, to introduce an additional system, or to modify an assignment in the Appendix 30B List. For applications subject to the provisions in Appendix 30B, the applicant must also submit the results of an analysis demonstrating that no U.S. filing under Appendix 30B would be deemed affected by the proposed operation under the relevant ITU criteria or, for any affected U.S. filings, a letter signed by the affected operator that it consents to the new filing.⁸

The Satellite Division will provide notice of the submission to the ITU as part of its weekly “Space Station Actions Taken” public notice, at which time the Bureau will make the contents of the ITU submissions public.⁹

Within 30 days of the release of the public notice announcing that the Coordination Request or Appendix 30B filing has been submitted to the ITU, the applicant must post a \$500,000 bond and notify the Commission of the posting through the “pleadings and comments function” of IBFS.¹⁰ If the applicant fails to timely post the bond, the Bureau will issue a public notice announcing the nullification of that applicant’s position in the queue and the availability of the ITU filings and will allow the first subsequent party to submit a letter request and cost-recovery declaration to use them, subject to the acceptance of attendant obligations and requirements.¹¹

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⁶ We note that IBFS allows applicants to file these items as confidential. The Bureau will preserve the confidentiality of these filings until the information has been forwarded to the ITU, after which the Bureau will make the contents of the filings public. *See Second Report and Order*, 30 FCC Rcd at 14731, para. 40; 47 CFR § 0.457(d)(1)(vii).

⁷ Section 25.111(d) also requires the mailing of a paper copy of the signed declaration to the International Bureau, Satellite Division. 47 CFR § 25.111(d).

⁸ 47 CFR § 25.110(b)(3)(ii). Unlike Coordination Requests in non-planned bands, the Bureau will review a proposed filing under Appendix 30B prior to forwarding it to the ITU to ensure that it is compatible with other U.S. filings. *Second Report and Order*, 30 FCC Rcd at 14733, para. 47.

⁹ *Second Report and Order*, 30 FCC Rcd at 14731, para. 40; *see also supra*, note 6.

¹⁰ 47 CFR § 25.165(f).

¹¹ *Second Report and Order*, 30 FCC Rcd at 14729, para. 34 & n.100.