

PUBLIC NOTICE

Federal Communications Commission
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DA 18-858

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INTERNATIONAL BUREAU SEEKS COMMENT ON SATELLITE COMMUNICATIONS SERVICES FOR THE COMMUNICATIONS MARKETPLACE REPORT

IB Docket No. 18-251

Comments Due: September 7, 2018

On March 23, 2018, the President signed into law the Consolidated Appropriations Act of 2018, which included the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act of 2018).¹ Title IV of RAY BAUM'S Act of 2018 amends Section 13 of the Communications Act of 1934, and requires that the Commission publish a *Communications Marketplace Report* in the last quarter of every even numbered year that, among other things, "assess[es] the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services" among providers of communications services, including providers of satellite communications.² With this *Public Notice*, the International Bureau seeks data, information, and comment on the delivery of voice, video, audio, and data services by providers of satellite communications, particularly services that may not be encompassed in the Public Notices released by the other Bureaus,³ to inform the required Report to Congress on the state of competition in the communications marketplace.

We request comment on the criteria or metrics that could be used for such an analysis, as well as comment and information on industry data, competitive dynamics, and trending factors. For example, commenters are invited to submit data and information on:

- Retail and wholesale communications services that are provided by satellite communications

¹ Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Div. P—RAY BAUM'S Act of 2018, §§ 401-404, 132 Stat. 348, 1087-90 (2018) (RAY BAUM'S Act of 2018).

² 47 U.S.C. § 163(b)(1).

³ We note that other Bureaus released Public Notices seeking comment on the delivery of communications services that relate to certain satellite communications services. See e.g., *Wireline Competition Bureau Seeks Comment on the State of Fixed Broadband Competition*, GN Docket No. 18-231, Public Notice, DA 18-784 (July 27, 2018) (seeking comment on fixed broadband competition); *Media Bureau Seeks Comment on the Status of Competition in the Marketplace for Delivery of Audio Programming*, MB Docket No. 18-227, Public Notice, DA 18-761 (July 23, 2018) (seeking comment on the delivery of audio programming, including satellite radio providers); *Media Bureau Seeks Comment on the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 17-214, Public Notice, 32 FCC Rcd 6654 (2017) (seeking comment on the delivery of video programming, including direct broadcast satellite (DBS) video services).

- providers;
- Identification of satellite communications providers and description of the communications services;
 - The types of buyers of satellite communications services;
 - Requirements for entry into the marketplace and significant barriers to such entry;
 - Recent and prospective entry into and exit from the marketplace;
 - Orbital and spectrum resources, access to spectrum, spectrum usage, and spectrum aggregation;
 - Price levels, as well as trends in service offerings, pricing, and consumer behavior;
 - Investment, subscribership, and financial indicators (such as revenues or profitability);
 - Network quality and speed of service;
 - Innovation in the market; and
 - The extent of competition as it relates to satellite communications, including the effects of intermodal competition with other fixed or mobile providers of communications services.

We also request comment on whether laws, regulations, regulatory practices or demonstrated marketplace practices pose a barrier to competitive entry into the marketplace for the delivery of communications services provided by satellite communications providers, or to the competitive expansion of existing providers. We seek input concerning the extent to which any such laws, regulations or marketplace practices affect entry barriers for entrepreneurs and other small businesses in the marketplace for the delivery of such communications services.

It is requested that commenters submit information, data, and statistics for 2016 and 2017, as well as information on any notable trends and developments that have occurred during 2018 to date. Industry stakeholders, the public, and other interested parties are encouraged to submit information, comments, and analyses. To facilitate analysis of competitive trends, parties should submit current and historic data that are comparable over time. Commenters seeking confidential treatment of their submissions should request that their submission, or a specific part thereof, be withheld from public inspection.⁴

PROCEDURAL MATTERS

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before September 7, 2018. All filings should refer to IB Docket No. 18-251. Comments may be filed: (1) using the Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies. Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

Comments filed in response to this *Public Notice* will be available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, IB Docket No. 18-251.

Comments may be filed using the ECFS or by filing paper copies. Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should

⁴ 47 CFR § 0.459.

include the following words in the body of the message, get form. A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-All hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Kerry Murray, Satellite Division, International Bureau, (202) 418-0734 or Kerry.Murray@fcc.gov, or Gabrielle Kim, Telecommunications and Analysis Division, International Bureau, (202) 418-0730 or Gabrielle.Kim@fcc.gov.