Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Expanding Flexible Use of the 3.7 to 4.2 GHz Band	)	GN Docket No. 18-122
	)	

ORDER

Adopted: June 12, 2020 **Released: June 12, 2020**

By the Chief, Wireless Telecommunications Bureau:

1. In this Order, the Wireless Telecommunications Bureau (Bureau) grants a seven (7) day extension of time to all eligible C-band space station operators to file their Transition Plans. Eutelsat S.A. (Eutelsat) and Claro S.A. f/k/a Star One S.A. (Claro), collectively "Requestors," each filed a request to extend the June 12, 2020 deadline to file their Transition Plans.[1] Intelsat US LLC (Intelsat), SES Americom Inc. (SES), and Telesat Canada (Telesat), opposed the request for extension but argued that, if an extension was granted to Eutelsat, the same extension should be granted to all eligible space station operators.[2] For the reasons stated below, we find that a seven-day extension of time is warranted, and we extend the deadline for all eligible operators to file Transition Plans to June 19, 2020.

2. On March 3, 2020, the Commission released the *3.7 GHz Report and Order*, which adopted new rules to make 280 megahertz of mid-band spectrum available for flexible use through a Commission-administered public auction of overlay licenses, plus a 20 megahertz guard band, throughout the contiguous United States by transitioning existing services out of the lower portion and into the upper 200 megahertz of the 3.7-4.2 GHz band (C-band).[3] The *3.7 GHz Report and Order* established a deadline of December 5, 2025, for incumbent space station operators to complete the transition of their operations to the upper 200 megahertz of the band, while providing an opportunity for accelerated clearing of the band by allowing eligible space station operators[4] to commit to relocate voluntarily on a two-phased accelerated schedule, with a Phase I deadline of December 5, 2021, and a Phase II deadline of December 5, 2023.[5] The *3.7 GHz Report and Order* called for eligible space station operators committing to

[1] Letter from Carlos M. Nalda, LMI Advisors for Eutelsat S.A., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 at 2 (filed June 8, 2020) (Eutelsat *Ex Parte*); Petition of Eutelsat S.A. for Limited Waiver, GN Docket No. 18-122, at 1 (filed May 26, 2020) (Eutelsat Petition); Request for Extension of Time to File Transition Plan of Claro S.A., GN Docket No. 18-122, at 1 (filed June 11, 2020) (Claro Extension Request).

[2] Letter from Laura H. Phillips, Counsel for Intelsat, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, at 1-2 (filed June 11, 2020) (Intelsat Conditional Request); Letter from Joseph A. Godles, Attorney for Telesat Canada, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, at 1 (filed June 11, 2020) (Telesat Conditional Request); Conditional Request of SES for Extension of Time to File Transition Plan, GN Docket No. 18-122, at 1 (filed June 11, 2020) (SES Conditional Request).

[3] *3.7 GHz Report and Order*, 35 FCC Rcd at 2345, para. 4.

[4] An eligible space station operator is defined as an incumbent space station operator that has demonstrated as of February 1, 2020, that it has an existing relationship to provide service via C-band satellite transmission to one or more incumbent earth stations in the contiguous United States. 47 CFR § 27.1411(b)(2).

[5] *3.7 GHz Report and Order*, 35 FCC Rcd at 2408, para. 155; 47 CFR § 27.1412(b)(1)-(2).

accelerated relocation to make their election by May 29, 2020 to provide potential bidders with adequate certainty regarding the clearing date and payment obligations associated with each license should they become overlay licensees.[6] The *3.7 GHz Report and Order* called for each eligible space station operator to submit to the Commission, and make available for public review by June 12, 2020, a Transition Plan describing the necessary steps and estimated costs to transition all existing services out of the lower 300 megahertz of the C-band spectrum.[7]

3. Eutelsat argues that a limited extension of time "would enable more efficient implementation of the Commission's core policies underlying the transition."[8] While Eutelsat initially requested an extension until after the Commission provided the clarification it requested in its Petition for Reconsideration,[9] Eutelsat now affirms it can "make its best approximation" with "a brief one-week extension of time to file the Transition Plan, until June 19, 2020."[10] Eutelsat affirms that it "in no way seeks to delay or undermine the transition process."[11] Claro supports Eutelsat's request and reasoning for the extension.[12] Intelsat, Telesat, and SES oppose Eutelsat's request but argue that, if an extension is granted to Eutelsat, the other eligible space station operators should be given an extension as well.[13]

4. As set forth in section 1.46 of the Commission's rules,[14] it is the policy of the Commission that extensions of time shall not be routinely granted. Nevertheless, we agree with the Requestors that a modest extension of the Transition Plan filing deadline serves the public interest and will not delay the transition process. A seven-day extension will still provide time for interested stakeholders to file comments on the Transition Plans, and since we are not altering any other deadlines associated with the Transition Plans, an extension will not delay the transition process.[15] We find that the Requestors have shown good cause for an extension of the filing deadline, and that the public interest will be served by extending the deadline for filing Transition Plans to June 19, 2020.

5. Accordingly, IT IS ORDERED, pursuant to sections 0.204, 0.291, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.291, 1.46, that the Petition for Limited Waiver filed by Eutelsat S.A. on May 26, 2020, the Request for Extension of Time filed by Claro S.A., Extension Request filed by

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[6] *3.7 GHz Report and Order*, 35 FCC Rcd at 2454, para. 289; 47 CFR § 27.1412(d).

[7] *Id*. at 2457, para. 302.

[8] Eutelsat Petition at 5.

[9] Eutelsat Petition at 2.

[10] Eutelsat *Ex Parte* at 2 ("In light of the discussion with the staff, and the opportunity afforded by the Commission's rules to "make any necessary updates or resolve any deficiencies" in the Transition Plan before August 14, 2020, Eutelsat is prepared to make its best approximation of the actions it will need to take to effect the relocation of its affected customers in the absence of such guidance, before the Commission has acted on its Reconsideration Petition.").

[11] *Id.*

[12] Claro Extension Request at 1.

[13] Intelsat Conditional Request at 1-2; Telesat Conditional Request at 1 (requesting an extension "because of the of the inextricable relationship among the C-band clearance activities of Telesat, Eutelsat, other satellite operators, and other interested parties."); SES Conditional Request at 2 ("SES requests that to the extent the Commission grants the [Eutelsat] Waiver Petition or Extension Request, the Commission afford the same relief to SES and other similarly situated satellite operators.").

[14] 47 CFR § 1.46.

[15] Stakeholder comments on the Transition Plans are due on July 13, 2020. *3.7 GHz Report and Order*, 35 FCC Rcd at 2459, para. 305.

Telesat Canada, Conditional Request for Extension of Time to File Transition Plan filed by SES, and Conditional Request filed by Intselsat License LLC are GRANTED to the extent described herein.

6. IT IS ALSO ORDERED that the date for Transition Plans for all eligible space station operators is EXTENDED to June 19, 2020.

7. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to: fcc504@fcc.gov, or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

8. For further information concerning this proceeding, please contact Susan Mort, Wireless Telecommunication Bureau, (202) 418-2429, Susan.Mort@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Donald Stockdale
Chief
Wireless Telecommunication Bureau