



PUBLIC NOTICE

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INTERNATIONAL BUREAU IDENTIFIES INACTIVE C-BAND INCUMBENT EARTH STATION ANTENNAS

Inactive Earth Stations that Do Not Provide Notice of Operational Status by October 21, 2021, Will Be Automatically Terminated in IBFS and Lose Incumbent Status

IB Docket No. 20-205

With this Public Notice, the International Bureau (Bureau) provides the following notice to operators of certain incumbent FSS C-band earth station antennas recently reported to the Bureau by RSM US LLP (RSM), the C-band Relocation Coordinator, on behalf of incumbent C-band satellite operators.¹ We have attached as an Appendix to this PN a list of these reported earth station antennas. According to RSM, each antenna on this list was reported by their earth station operator to RSM or a satellite operator as no longer receiving service from a C-band satellite even though the FCC's International Bureau Filing System (IBFS) continues to include the antenna as active.

Failure to submit a filing to the Bureau by no later than 90 days after the release of this Notice (i.e., by October 21, 2021) affirming the continued operation of the earth station antennas reported to the Bureau as inactive and the intent to participate in the C-band transition will result in a Bureau announcement that those authorizations identified as inactive in the attached Appendix have automatically terminated by operation of rule,² and that those authorizations will be terminated in IBFS and removed from the incumbent earth station list.³

Under the Commission's *3.7 GHz Band Report and Order*, RSM is responsible for coordinating with the five incumbent C-band satellite operators – Eutelsat, Intelsat, SES, StarOne, and Telesat – to

¹ See Letter from Sanga Chandel, RSM US LLP, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 20-205 (filed July 14, 2021) (July 14 RSM filing).

² See 47 CFR § 25.161(c) (a station authorization “shall be automatically terminated . . . without further notice upon [t]he removal or modification of the facilities which renders the station not operational for more than 90 days”).

³ 47 CFR § 25.138(c)(1) (among other requirements, an incumbent earth station must “continue to be operational” to be eligible for the C-band transition). An incumbent earth station for purposes of the C-band transition is “entitled to interference protection pursuant to § 25.138(c) of this chapter. An incumbent earth station must transition above 4000 MHz pursuant to this subpart. An incumbent earth station will be able to continue receiving uninterrupted service both during and after the transition.” 47 CFR § 27.1411(b)(3). Incumbent earth station operators could opt for either reimbursement of their transition costs, or a lump sum election in the event they decided not to participate in the formal relocation process. 47 CFR § 27.1419. The list of incumbent earth station antennas identified in the Appendix hereto excludes any antennas for which a lump sum election was made.

ensure that all incumbent earth stations are accounted for in the transition.⁴ The overwhelming majority of incumbent earth stations have been claimed by the satellite operator(s) from which they receive service, included in their transition plans to the Commission, and will be transitioned to the upper 200 megahertz of the band.⁵ In other cases, RSM, as the C-band Relocation Coordinator, has conducted outreach and research to determine whether the earth station is still active and, if so, from which satellite(s) the earth station receives its service.⁶ In the course of their outreach, the satellite operators and RSM have identified certain antennas as inactive. The inactive status of some of these antennas has been confirmed when the relevant earth station operators filed with the Bureau to close out those antennas in IBFS. For the rest of these inactive antennas, their earth station operators reported to the satellite operators (according to RSM) that these antennas were no longer being used (even though in these cases their earth station operators failed to make the requisite discontinuance filings with the FCC in order to close out those antennas in IBFS). RSM has advised the Commission that it and the incumbent satellite operators regularly share the results of their respective outreach efforts to better coordinate the transition of incumbent earth stations.

On January 19, 2021, the Bureau released a Public Notice that provided notice to those incumbent earth station operators that RSM reported in a January 14, 2021 filing as inactive,⁷ that such earth station operators had 90 days, until April 19, 2021, to respond in the Electronic Comment Filing System (ECFS) or their registrations would be automatically terminated and they would be removed from the incumbent earth station list.⁸ The registrations of earth stations that failed to respond have been terminated in IBFS and those registrations have been removed from the incumbent earth station list.⁹

On July 14, 2021, RSM submitted a letter identifying an additional group of individual earth station antennas as no longer operational at the location provided in the latest incumbent earth station list,

⁴ See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2391, paras. 116-23 (2020) (*3.7 GHz Band Report and Order*). As a reminder, the Commission decided in the *3.7 GHz Band Report and Order* that it will no longer accept applications for registration and licenses for FSS operations in the 3.7-4.0 GHz band in the contiguous United States and that it will not accept applications for new earth stations in the 4.0-4.2 GHz band in the contiguous United States for the time being, during the C-band transition. *3.7 GHz Band Report and Order*, 35 FCC Rcd at 2407, paras. 149-151.

⁵ 47 CFR § 27.1412(d) (transition plan requirements). The satellite operators also file quarterly status reports in GN Docket No. 20-173. 47 CFR § 27.1412(f).

⁶ *3.7 GHz Band Report and Order*, 35 FCC Rcd 2343, 2460, para. 313.

⁷ See Letter from Sanga Chandel, RSM US LLP, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 20-205, at 1 (filed Jan. 14, 2021) (January 14 RSM Filing).

⁸ See *International Bureau Identifies Inactive C-Band Incumbent Earth Station Antennas and Unresponsive C-Band Incumbent Earth Station Operators*, Public Notice, DA 21-81 (rel. Jan. 21, 2021) (*January 21 PN*). We note that the *January 21 PN* also provided such 90-day notice to a small group of “unresponsive” incumbent earth station operators about their antennas. Such “unresponsive” stations (or, in terms used in the January 14 RSM Filing from which these operators were drawn, “unable to reach” operators) were all incumbent earth stations that (a) had not been claimed by any of the five incumbent C-band satellite operators (and therefore were not included in any of the satellite operator Transition Plans), and (b) had failed to respond to any outreach efforts from the very beginning of those efforts.

⁹ See *International Bureau Releases Updated List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, Public Notice, DA 21-731, IB Docket No. 20-205 (rel. June 22, 2021) (June 22, 2021, Incumbent Earth Station List) for the current incumbent earth station list and an explanation of the criteria applied to be included on the list.

even though these antennas continue to be listed in IBFS.¹⁰ RSM explains that it compiled this group of antennas—which were not included in the *January 19 PN*—from affirmative representations made to RSM or the satellite operators by the antennas’ earth station operators. We have attached to this PN an Appendix listing this group of antennas.

We hereby presume, on a rebuttable basis, that earth station antennas included in the Appendix are no longer operational. Section 25.161(c) of the Commission’s rules provides that an earth station authorization is automatically terminated if the station is not operational for more than 90 days.¹¹ We also note that the Commission’s rules require earth station operators to take the steps necessary to remove non-operational antennas from the active records in the IBFS.¹² Moreover, under the Commission’s rules, antennas must continue to be operational to qualify for incumbent status.¹³

We direct earth station operators with incumbent earth station antennas that appear on the appended inactive list to make either of two filings no later than 90 days after release of this Notice (i.e., by October 21, 2021): (1) file to remove those antennas from IBFS as no longer operational as required by Commission rule,¹⁴ or (2) file in ECFS IB Docket No. 20-205 affirming that those antennas are still operational. An earth station operator may contact Bureau staff at IBFSINFO@fcc.gov if it has questions about the above or if it needs instructions on how to surrender entire Callsigns in IBFS or how to remove an inactive earth station antenna from a Callsign that includes other operational earth station antennas.

Earth station operators with earth station antenna(s) on the attached inactive list that do not respond by October 21, 2021, affirming the continued operation of the identified earth station antennas¹⁵ will be deemed to have had the authorizations for those antennas automatically terminated by rule. Those authorizations will be terminated in IBFS, *i.e.*, the IBFS records for those antennas will be shown with a terminated status. Such terminated earth stations will also be removed from the incumbent earth station list and will not be entitled to protection from interference from the network deployments of new wireless licenses or be eligible for reimbursement of any transition costs, including the cost of any filters, that those earth stations may decide to incur.

Apart from the foregoing group of earth station operators for which RSM received affirmative representations of nonoperational status, in the July 14, 2021, RSM filing, RSM separately reported that it had identified a limited number of incumbent earth station operators with which it has been able to establish contact but has not been able to get enough information from the earth station operator for it to be included in a satellite operator transition plan or for RSM to conclude that the earth station is in fact

¹⁰ See July 14 RSM filing). The July 14 RSM filing, with its attachment, can be found in ECFS. See also June 22, 2021, Incumbent Earth Station List.

¹¹ 47 CFR § 25.161(c). The Bureau has delegated authority to enforce the Part 25 rules. 47 CFR § 0.261(a)(15).

¹² 47 CFR § 25.115(b)(8).

¹³ 47 CFR § 25.138(c)(1). As noted above, the earth station antennas listed in the Appendix hereto do not include those that are subject to lump sum elections. Those elections may include C-band antennas whose operators have decided to discontinue all use of the C-band by the end of the C-band transition.

¹⁴ In addition to the required filings in IBFS, those earth station operators may also make a filing in ECFS IB Docket No. 20-205 confirming the extent to which they are surrendering or removing antennas in IBFS.

¹⁵ Of course, notwithstanding an affirmation of continued operation, the Bureau retains the authority to eliminate an earth station antenna’s incumbent status if the Bureau receives additional evidence that the antenna has failed to satisfy applicable requirements for maintaining operation.

participating in the transition process. Further outreach by RSM with the earth station operator has not been successful.

Such earth station operators that do not provide the necessary information to the Relocation Coordinator or satellite operators may not be successfully transitioned before terrestrial wireless licensees initiate service in the band and, as a result, such earth station operators may experience harmful interference at their facilities as terrestrial wireless licensees deploy their networks.

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