



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON TERRESTAR CORPORATION FILINGS SEEKING TO OFFER ADDITIONAL SERVICES IN THE 1.4 GHZ BAND

WT Docket No. 16-290

Comments Due: June 30, 2023

Replies Due: July 17, 2023

1. By this Public Notice, pursuant to an *Order* granting limited, conditional waiver relief to TerreStar Corporation (TerreStar),¹ the Wireless Telecommunications Bureau (Bureau) seeks comment on a letter filed by TerreStar on February 14, 2023, as supplemented by subsequent filings (collectively, Letters).² In the Letters, TerreStar (1) certifies that it timely met its Final Deployment Obligation³ for its 1.4 GHz Band Licenses (Licenses) in accordance with the *Order's* conditions,⁴ and (2) provides a full technical demonstration of how additional use of the spectrum will not cause harmful interference to in-band or adjacent-band Wireless Medical Telemetry Service (WMTS).⁵

2. The Bureau's Mobility Division issued the *Order* on April 30, 2020, providing additional time for TerreStar to deploy WMTS operations using its Licenses, based on information regarding the interference potential to WMTS and the need for additional WMTS spectrum to benefit public health and safety.⁶ Among the conditions imposed on TerreStar was the requirement that, by July 30, 2023,

¹ *TerreStar Corporation Request for Temporary Waiver of Substantial Service Requirements for 1.4 GHz Licenses*, WT Docket No. 16-290, Order on Reconsideration, 35 FCC Rcd 4354 (WTB MD 2020) (*Order*).

² Letter from Bryan N. Tramont, Counsel for TerreStar Corporation (Tramont), to Marlene H. Dortch, Secretary, FCC (FCC Secretary Dortch) (Feb. 14, 2023) (February Letter); Letter from Tramont to FCC Secretary Dortch (Apr. 20, 2023) (April Letter); Letter from Tramont to FCC Secretary Dortch (May 3, 2023) (May 3 Letter); and Letter from Tramont to FCC Secretary Dortch (May 8, 2023) (May 8 Letter). All four letters are on file as pleadings in the Commission's Universal Licensing System (ULS) under TerreStar's Licenses; *see, e.g.*, call sign WQGU885. *See also Order*, 35 FCC Rcd at 4370 and n.112; Letter from Tramont to FCC Secretary Dortch (Jan. 9, 2023) (on file as a pleading in ULS under the Licenses; *see, e.g.*, call sign WQGU885) (claiming that TerreStar timely satisfied all deployment requirements specified in the *Order's* conditions).

³ *See Order*, 35 FCC Rcd at 4372-73, para. 35 (detailing TerreStar's Final Deployment Obligation).

⁴ February Letter, Exh. 1 ("Certification of John Kneuer," Chief Executive Officer of TerreStar). The conditions are set forth in the *Order*, 35 FCC Rcd at 4368-73, paras. 33-35.

⁵ February Letter at 2-3 and Exh. 2 ("Technical Statement of TerreStar"), as supplemented by the April, May 3, and May 8 Letters.

⁶ *Order*, 35 FCC Rcd at 4354, para. 2. TerreStar's commercial 1.4 GHz Band spectrum is governed by part 27 of the Commission's rules. The 1.4 GHz Band spectrum is adjacent to spectrum that is used for WMTS under part 95 of the Commission's rules. WMTS systems are used to monitor patients' health at thousands of hospitals and other medical facilities throughout the country.

TerreStar satisfy its Final Deployment Obligation in terms of operational deployments of WMTS in at least 2,000 health care facilities nationwide, using a significant portion of applicable frequencies for WMTS.⁷ The Final Deployment Obligation also required TerreStar to file, no later than August 14, 2023, a notification of construction (NT) for each of its Licenses in ULS, demonstrating compliance with those metrics.⁸

3. The *Order* provided that, once TerreStar had satisfactorily met its Final Deployment Obligation, TerreStar could pursue deployment of additional (i.e., non-WMTS) services using these Licenses.⁹ The *Order* specified that, should TerreStar opt to pursue such additional deployment, it would need to file a letter certifying that it had met its Final Deployment Obligation “as well as a full technical demonstration of how such additional uses will not cause harmful interference to in-band or adjacent-band WMTS, or otherwise undermine or prevent the continued provision of WMTS (including in vehicles and locations outside of health care facilities) on its 1.4 GHz spectrum.”¹⁰ The *Order* provided that “TerreStar may commence deployment of [] additional services 90 days after release of [the] Public Notice absent an affirmative finding by the Bureau that such additional services will cause harmful interference to WMTS.”¹¹

4. Interested parties may file comments and replies in WT Docket No. 16-290 by the deadlines noted on the first page of this Notice. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

5. For further information, please contact Nina Shafran, Mobility Division, Wireless Telecommunications Bureau, by e-mail at Nina.Shafran@fcc.gov.

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⁷ *Id.* at 4372-73, para. 35. The *Order* did not require that TerreStar make *all* of its licensed 1.4 GHz Band spectrum available for WMTS. *Id.* at 4370, para. 35 n.114 (stating “there may be, for example, technical issues that prevent them from using certain frequencies in given markets”). Another condition in the *Order*, however, is that “TerreStar must provide spectrum capacity and frequency planning and coordination services, free of charge, outside of registered WMTS health care facilities in support of any national public health emergency declared by the U.S. Department of Health and Human Services, including (but not limited to) facilitation of WMTS services to makeshift emergency hospitals, nursing facilities converted to critical care facilities, home monitoring environments, and other places where quarantined critical care patients must reside outside of major medical facilities.” *Id.* at 4373, para. 35 and n.118 (citing 42 U.S.C. § 247d).

⁸ *Id.* at 4372-73, para. 35 and n.116 (citing 47 CFR § 1.946(d)). Specific metrics were imposed for each Major Economic Area (MEA) for TerreStar’s MEA-based Licenses, as well as for each area equivalent to an MEA for Economic Area Grouping-based Licenses. *Id.* TerreStar timely filed NTs for its Licenses. *See, e.g.*, TerreStar NT for WQGU885, ULS File No. 0010361738 (filed Jan. 25, 2023).

⁹ *Order*, 35 FCC Rcd at 4370 n.112.

¹⁰ *Id.*

¹¹ *Id.*