



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU AND SPACE BUREAU ANNOUNCE EFFECTIVE DATE OF SUPPLEMENTAL COVERAGE FROM SPACE RULES AND PROVIDE GUIDANCE FOR FILING FCC FORMS 608 AND 312

GN Docket No. 23-65; IB Docket No. 22-271

By this Public Notice, the Wireless Telecommunications Bureau and Space Bureau (collectively, the Bureaus) announce that the U.S. Office of Management and Budget (OMB) has approved the Form 608- and Form 312-related information collection requirements adopted by the Federal Communications Commission (Commission or FCC) in the March 2024 *Report and Order* related to supplemental coverage from space (SCS).¹

The *SCS Report and Order* adopted a leasing framework and established new part 1 rules that require spectrum lessees to supply certain information when filing FCC Form 608 (Form 608).² Because of this rule change, Form 608 has been revised to include a “Yes” or “No” question where a party can indicate whether they are filing the lease application form for the purpose of providing SCS. If the lease application is for SCS, the party will be directed to submit attachments related to SCS to comply with the requirements of new section 1.9047(d)(2).

The *SCS Report and Order* also established application requirements which satellite operators must meet in order to receive a license to provide SCS. In addition to a comprehensive proposal for the prospective SCS system on FCC Form 312 (Form 312), which has remained unchanged, satellite operators must submit a certification pursuant to new section 25.125(b)(1), a list of file and identification numbers associated with the relevant SCS lease(s), application(s), and FCC Form 601(s), and a brief description of the coverage areas that will be served pursuant to new section 25.125(b)(2).³ All SCS earth stations that will be used for the provision of SCS must meet the equipment authorization requirements prior to commencing SCS operations using those SCS earth stations pursuant to new section 25.125(c).⁴

Because these rule sections include new information collection requirements under the Paperwork Reduction Act, their effectiveness was delayed indefinitely pending OMB review.⁵ OMB approved the SCS information collection requirements for Form 312 on October 16, 2024, and for Form 608 on October 30, 2024. On December 2 and 4, 2024, the Office of the Federal Register published

¹ See *Single Network Future: Supplemental Coverage from Space; Space Innovation*, GN Docket No. 23-65, IB Docket No. 22-271, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-28, 2024 WL 1179940 (2024) (*SCS Report and Order*).

² 47 CFR § 1.9047(d)(2).

³ *Id.* § 25.125(b)(1)-(2).

⁴ *Id.* § 25.125(c).

⁵ See *SCS Report and Order* at *94, para. 269.

notices announcing both OMB approvals.⁶ Accordingly, sections 1.9047(d)(2), 25.125(b)(1)-(2), and 25.125(c) of the Commission's rules are now in effect.

In this Public Notice, the Bureaus provide guidance on compliance with the following information collection requirements:

Completing Form 608

Under section 1.9047(d) of the Commission's rules, a licensee may enter into a spectrum manager or *de facto* transfer leasing or subleasing arrangement with a spectrum lessee in only the bands identified in section 2.106(d)(33)(i) for the purpose of meeting the part 25 SCS Entry Criteria.⁷ A licensee seeking to engage in spectrum leasing for the purpose of providing SCS may do so under the following parameters: (i) a single licensee that holds all co-channel licenses on the relevant band in a geographically independent area (GIA) may enter into a leasing arrangement with one or more satellite operators; (ii) if there are multiple co-channel licensees that collectively hold all co-channel licenses in a particular band throughout one of six GIAs, the licensees may enter into spectrum leasing arrangements only under one of the following conditions: (A) one licensee holding a license in the GIA must enter into an individual spectrum leasing arrangement with each of the other co-channel licensees in that GIA, and the licensee may then enter into a leasing arrangement with one satellite operator; or (B) one satellite operator may enter into individual leasing arrangements with each of the relevant co-channel licensees that together hold all co-channel licenses on the relevant band in the GIA.⁸

The spectrum lessee or sublessee seeking to engage in spectrum leasing for the purpose of providing SCS must complete and file Form 608 in the Commission's Universal Licensing System (ULS), and the Commission has revised this form to incorporate a new question for parties to indicate whether the form is for SCS purposes. New Item 6 on Form 608 states, "For Leases only, indicate whether or not the lease application is being filed for the purpose of providing Supplemental Coverage from Space (SCS). Enter 'Y' if this application is being filed for the purpose of providing SCS. Otherwise, enter 'N.'" A party is required to answer this question before proceeding. When a party indicates that the form is being filed for the purpose of providing SCS, the party must attach documents as required by section 1.9047(d)(2) of the Commission's rules.⁹ The lessee and lessor should adequately describe the leasing arrangement in their attachment and, per section 1.9047(d)(2), must include:

- (1) a certification that the parties are entering into the leasing arrangement for the purpose of fulfilling the part 25 Entry Criteria;
- (2) a description of which method, single or multiple terrestrial licensee, the parties are utilizing to meet the part 25 Entry Criteria; and
- (3) if the parties are utilizing the multiple terrestrial licensee method,¹⁰ the parties must:

⁶ Federal Communications Commission, Single Network Future: Supplemental Coverage From Space; Space Innovation, 89 FR 95136 (Dec. 2, 2024); Federal Communications Commission, Single Network Future: Supplemental Coverage from Space Information Collection Approval for Space Station and Earth Station Applications, 89 FR 96124 (Dec. 4, 2024).

⁷ 47 CFR §§ 1.9047(d), 2.106(d)(33)(i). The part 25 SCS Entry Criteria are outlined in section 25.125(a) and (b). 47 CFR § 25.125(a), (b); *see* 47 CFR § 1.9047(c).

⁸ *Id.* § 1.9047(d)(1)(i)-(ii).

⁹ *Id.* § 1.9047(d)(2).

¹⁰ The multiple terrestrial licensee method is explained in section 1.9047(d)(1)(b) of the Commission's rules:

(b) If there are multiple co-channel licensees that collectively hold all co-channel licenses in a particular band throughout one of six GIAs, the licensees may enter into spectrum leasing arrangements only under one of the following conditions:

(continued....)

- (A) describe the nature of the leasing arrangement(s); and
- (B) demonstrate how the entirety of the GIA is covered by the leasing arrangement(s).

After uploading an attachment that addresses each of these requirements, the party should proceed with filling out the remainder of Form 608 and file when complete.

Completing Form 312

Satellite operators seeking a space station authorization to provide SCS must either request modification of a current non-geostationary orbit (NGSO) or geostationary orbit (GSO) license or grant of U.S. market access under part 25, or seek a new NGSO or GSO license or grant of U.S. market access under part 25, and must meet the requirements established in section 25.125. In addition to a comprehensive proposal for the prospective SCS system on Form 312, which has remained unchanged, satellite operators must submit additional filings pursuant to section 25.125(b)(1)-(2) and (c).

First, as part of a part 25 application, satellite operators must certify that:

- (1) A lease notification(s) or application(s), pursuant to section 1.9047 of the Commission's rules, where a single terrestrial wireless licensee holds or multiple co-channel licensees collectively hold all co-channel licenses within the relevant GIA in the bands identified in section 2.106(d)(33)(i) of the Commission's rules, or as it pertains to FirstNet, an agreement, is on file with the Commission;¹¹
- (2) The current space station licensee under this part or grantee of market access for NGSO or GSO satellite operation under part 25 seeks modification of authority to provide SCS in the same geographic areas covered in the relevant GIA, or the applicant for a space station license under this part or grant of market access for NGSO or GSO satellite operation under part 25 seeks to provide SCS in the same geographic areas covered in the relevant GIA;¹² and
- (3) SCS earth stations, as defined in section 25.103 of the Commission's rules, will qualify as "licensed by rule" earth stations under section 25.115(q).¹³

Second, as a part of a part 25 application to provide SCS, satellite operators must include a list of the file and identification numbers associated with the relevant leasing notification(s), application(s), and FCC Form 601(s), with a brief description of the coverage areas that will be served, domestically and internationally.¹⁴

Third, each SCS earth station used to provide SCS under part 25.125 must meet the equipment authorization requirements under section 25.125(e) and all equipment authorization requirements for all

(i) One licensee holding a license in the GIA must enter into an individual spectrum leasing arrangement with each of the other co-channel licensees in that GIA. The licensee may then enter into a leasing arrangement with one satellite operator; or

(ii) One satellite operator may enter into individual leasing arrangements with each of the relevant co-channel licensees that together hold all co-channel licenses on the relevant band in the GIA.

Id. § 1.9047(d)(1)(b).

¹¹ 47 CFR §§ 2.106(d)(33)(i), 25.125(b)(1)(i).

¹² *Id.* § 25.125(b)(1)(ii).

¹³ *Id.* §§ 25.103, 25.115(q), 25.125(b)(1)(iii).

¹⁴ *Id.* § 25.125(b)(2).

intended uses of the device pursuant to the procedures specified in part 2 and the requirements of at least one of part 22, 24, or 27 of the Commission's rules.¹⁵

People with Disabilities

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 & Governmental Affairs Bureau at 202-418-0530 (voice).

Contact Information

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Privacy Act Statement

Authority. Statutory authority for these information collections is contained in 47 U.S.C. §§ 1, 4(i), 157, 301, 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended.

Purpose. In 2024, the Commission adopted new part 1 and part 25 rules to establish the process to provide SCS. The part 1 rules obligate lessees or sublessees to provide specific information in Form 608 pertaining to SCS when filing for the purpose of providing SCS. The Commission adopted this measure to allow staff to more accurately track leasing arrangements related to the provision of SCS, monitor and enforce the entry criteria that SCS providers must satisfy, and ensure that prospective providers of SCS will operate in compliance with the applicable regulatory framework. Applicants seeking a leasing arrangement for the purpose of providing SCS must complete and file Form 608 consistent with the instructions in this Public Notice and the Commission's rules. The part 25 rules require satellite operators to provide information on its Form 312 specific to its SCS operations. Applicants seeking to provide SCS must complete and file Form 312 consistent with the instructions in this Public Notice and the Commission's rules.

Routine Uses. The FCC may release information provided in the Form 608 and/or Form 312 when necessary and appropriate under 5 U.S.C. § 552a(b) of the Privacy Act to: the public as under FCC regulations requiring public disclosure of the information contained in our records; to third parties, including individuals and businesses in the communications industry and public safety, FCC vendors and their contractors, and to other federal agencies or state, local, U.S. territorial, and Tribal government entities to administer, support, participate in, or receive information related to, FCC programs and activities, or to ensure compliance with the confidentiality and other rules regarding information sharing in the FCC's programs and activities; to other federal agencies or to other administrative or adjudicative bodies before which the FCC is authorized to appear; to federal, state, local, Tribal, international, or multinational law enforcement when FCC becomes aware of an indication of a violation or potential violation of a civil or criminal statute, law, regulation, or order; to federal agencies, non-federal entities, their employees, and agents for the purpose of detecting and preventing fraud, waste, and abuse in federal programs; to non-federal personnel, including contractors, grantees, and volunteers who have been engaged to assist the FCC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity; and to appropriate agencies, entities, and persons when the FCC suspects or has confirmation that there has been a breach of information related to this system.

A complete list of the routine uses can be found in the systems of records notice associated with these collections: (1) FCC/WTB-1, Wireless Services Licensing Records, and (2) FCC/IB-1, International

¹⁵ *Id.* § 25.125(c), (e).

Bureau Filing System, posted at <https://www.fcc.gov/managing-director/privacy-transparency/privacy-act-information>.

Disclosure. This information collection is mandatory for applicants filing Form 608 and/or Form 312 for the purpose of providing SCS.

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