

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

In the Matter of)
)
Amendment of Parts 2 and 25 of the)
Commission's Rules to Enable GSO Fixed-) IB Docket No. 20-330
Satellite Service (Space-to-Earth) Operations in)
the 17.3-17.8 GHz Band, to Modernize Certain)
Rules Applicable to 17/24 GHz BSS Space)
Stations, and to Establish Off-Axis Uplink Power)
Limits for Extended Ka-Band FSS Operations)
)
Amendment of Parts 2 and 25 of the)
Commission's Rules to Enable NGSO Fixed-) IB Docket No. 22-273
Satellite Service (Space-to-Earth) Operations in)
the 17.3-17.8 GHz Band)

ORDER

Adopted: March 19, 2024

Released: March 19, 2024

By the Chief, Space Bureau and the Managing Director:

I. INTRODUCTION

1. In this Order, we amend the Final Rules in Appendix A of a Report and Order released by the Commission on August 3, 2022, to correct typographical errors and to conform with the publishing conventions of the National Archives and Records Administration's Office of the Federal Register (Federal Register).¹ These amendments are non-substantive and do not change any regulatory obligations.

II. BACKGROUND

2. On August 3, 2022, the Commission released a Report and Order and Notice of Proposed Rulemaking (17 GHz Report and Order) in the above captioned proceeding.² The Final Rules in Appendix A of the 17 GHz Report and Order contained typographical errors and did not conform with the publishing conventions of the Federal Register. While the typographical errors remained,³ the text of the Final Rules was corrected to conform with the publishing conventions of the Federal Register prior to publication on November 25, 2022.⁴ This Order amends the Final Rules in Appendix A of the 17 GHz

¹ Amendment of Parts 2 and 25 of the Commission's Rules to Enable GSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3-17.8 GHz Band, to Modernize Certain Rules Applicable to 17/24 GHz BSS Space Stations, and to Establish Off-Axis Uplink Power Limits for Extended Ka-Band FSS Operations, et. al, Report and Order and Notice of Proposed Rulemaking, FCC 22-63, 2022 WL 3138555 (Aug. 3, 2022) (17 GHz Report and Order or, when referring to the notice, 17 GHz NPRM).

² See id.

³ See infra Appendix paras. 1-3.

⁴ See Federal Communications Commission, Amendment to Enable GSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3-17.8 GHz Band, To Modernize Certain Rules Applicable to 17/24 GHz BSS Space Stations,

(continued....)

Report and Order, as released by the Commission, to correct the typographical errors and to conform with the publishing conventions of the Federal Register.

III. DISCUSSION

3. We find that correcting the typographical errors and non-conforming publishing conventions in the Final Rules in Appendix A of the *17 GHz Report and Order* as released by the Commission is non-substantive in nature. In reaching this determination, we are guided by the fact that the text of the *17 GHz Report and Order* makes clear that the errors that remained in the text of the Final Rules were unintentional and typographical in nature.⁵ Furthermore, the text of the Final Rules as published in the Federal Register was corrected to conform with the publishing conventions of the Federal Register.⁶ In addition, the typographical and publishing convention errors did not alter the substance of the Final Rules.

4. We find that notice and comment procedures are unnecessary under the “good cause” exception of the Administrative Procedure Act (APA) because the changes in the Final Rules in Appendix A of the *17 GHz Report and Order* as released by the Commission adopted herein merely correct typographical errors, align the Final Rules in Appendix A of the *17 GHz Report and Order* as released by the Commission with the text of the Final Rules as published in the Federal Register, or conform the *17 GHz Report and Order* as released by the Commission with the publishing conventions of the Federal Register.⁷ Consequently, we find notice and comment procedures are unnecessary for this action as they constitute routine “clean-up” matters that entail no substantive decisions of any consequence or significance to industry or the general public.⁸

IV. PROCEDURAL MATTERS

5. *Regulatory Flexibility Act.* Because these rule changes are being adopted without notice and comment, the Regulatory Flexibility Act⁹ does not apply.

and To Establish Off-Axis Uplink Power Limits for Extended Ka-Band FSS Operations, 87 Fed. Reg. 72388 (Nov. 25, 2022).

⁵ See *17 GHz Report and Order* at *9-*16, paras. 27-30, 33-48. For example, changing “-117 dBW/m²/100 kHz” to “-117 dBW/m²/100 kHz,” and changing “17.3-18.8 GHz” to “17.3-17.8 GHz.”

⁶ Although corrections to the publishing conventions were already published in the Federal Register, all of the corrections will be effective thirty (30) days after the date of publication of this Order in the Federal Register, which will occur once the Commission receives approval from the Office of Management and Budget for the modified information collections under the Paperwork Reduction Act.

⁷ 5 U.S.C. § 553(b)(3)(B) (notice and comment is not necessary “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest”).

⁸ See *Utility Solid Waste Activities Group v. EPA*, 236 F.3d 749, 755 (D.C. Cir. 2001) (quoting *South Carolina v. Block*, 558 F.Supp. 1004, 1016 (D.S.C. 1983), for the proposition that the “unnecessary” exception applies “to those situations in which the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public”); see also *Texaco, Inc., v. FPC*, 412 F.2d 740, 743 (3d Cir. 1969) (“‘Unnecessary’ refers to the issuance of a minor rule or amendment in which the public is not particularly interested.” (quoting Attorney General’s Manual on the Administrative Procedure Act 12-13 (1947)); *Amendment of Parts 1, 2, 15, 74, 78, 87, 90, and 97 of the Commission’s Rules Regarding Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2007) (WRC-07), Other Allocation Issues, and Related Rules Updates*, Order, 27 FCC Rcd 14598, 14657, para. 158 (2012) (holding that there is no need for notice and comment rulemaking procedures when correcting various “grammatical, typographical, and display errors”).

⁹ 5 U.S.C. § 601 *et seq.* See *id.* § 601(2).

6. *Paperwork Reduction Act.* This document does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).¹⁰ In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.¹¹

7. *Congressional Review Act.* The Bureau has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that these rules are non-major under the Congressional Review Act, 5 U.S.C. § 804(2). The Bureau will send a copy of this Order to Congress and the Government Accountability Office, pursuant to the Congressional Review Act.¹²

V. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to the authority contained in Sections 1, 4(i), 4(j), 301, 303, 307, 308, 309, 316, and 319 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 301, 303, 307, 308, 309, 316, and 319, this Order **IS ADOPTED** and **WILL BECOME EFFECTIVE** thirty (30) days after publication in the Federal Register.

9. **IT IS FURTHER ORDERED** that Part 25 of the Commission's rules **IS HEREBY AMENDED** as set forth in the Appendix, effective as of thirty (30) days after the date of publication of this Order in the Federal Register.

10. **IT IS FURTHER ORDERED** that the Commission **SHALL SEND** a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Julie M. Kearney
Chief
Space Bureau

Mark Stephens
Managing Director

¹⁰ The Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 109 Stat. 163 (1995) (codified in Chapter 35 of title 44 U.S.C.).

¹¹ The Small Business Paperwork Relief Act of 2002 (SBPRA), Pub. L. No. 107-198, 116 Stat. 729 (2002) (codified in Chapter 35 of title 44 U.S.C.); *see* 44 U.S.C. 3506(c)(4).

¹² *See* 5 U.S.C. § 801(a)(1)(A).

APPENDIX

Final Rules

For the reasons discussed above, this Order amends the Final Rules in Appendix A of the *17 GHz Report and Order* as indicated below:

1. In paragraph 8:
 - a. Change the frequency range listed in the amended text of § 25.140(a)(3)(iii)(B) from “17.3-18.8 GHz” to “17.3-17.8 GHz.”
2. In paragraph 18:
 - a. Correct § 25.264(b)(2)(ii), (b)(3), and the introductory text to (e) by replacing “-117 dBW/m²/100 kHz” with “-117 dBW/m²/100 kHz” in each instance where it appears in those paragraphs.
3. In paragraph 18:
 - a. Change the frequency range listed in the amended text of § 25.264(a)(6) from “17.3-18.8 GHz” to “17.3-17.8 GHz.”

In addition, to conform to the publishing conventions of the National Archives and Records Administration’s Office of the Federal Register, this Order amends the Final Rules in Appendix A of the *17 GHz Report and Order* as indicated below:

4. In paragraph 4:
 - a. Under § 25.103, correct the definition for “*Two-degree-compliant space station*”, to add the words “equivalent isotropically radiated power” in the first sentence, to read as follows:

“*Two-degree-compliant space station*. A GSO FSS space station operating in the conventional or extended C-bands, the conventional or extended Ku-bands, the 24.75-25.25 GHz band, or the conventional or extended Ka-bands within the limits on downlink equivalent isotropically radiated power (EIRP) density or PFD specified in § 25.140(a)(3) or (b)(3) and communicating only with earth stations operating in conformance with routine uplink parameters specified in § 25.211(d), § 25.212(c), (d), or (f), or § 25.218.”
5. In paragraph 6:
 - a. Correct the amendatory language to read as follows:

“Amend § 25.115 by revising paragraphs (e), (g) introductory text, and (k) to read as follows:”
 - b. In paragraph (g), include the paragraph title to read as follows: “*Additional requirements for certain GSO earth stations.*”
 - c. In paragraph (k), include the paragraph title to read as follows: “*Permitted Space Station List.*”
6. In paragraph 8:
 - a. Under § 25.140, in paragraph (a)(2), add “(a)(2)” in the fourth sentence and replace “-” with the word “through” in the fifth sentence, to read as follows:

“(2) In addition to the information required by § 25.114, an applicant for GSO FSS space station operation, including applicants proposing feeder links for space stations operating in the 17/24 GHz BSS, that will be located at an orbital location less than two degrees from the assigned location of an authorized co-frequency GSO space station, must either certify that the proposed

operation has been coordinated with the operator of the co-frequency space station or submit an interference analysis demonstrating the compatibility of the proposed system with the co-frequency space station. Such an analysis must include, for each type of radio frequency carrier, the link noise budget, modulation parameters, and overall link performance analysis. (See Appendices B and C to Licensing of Space Stations in the Domestic Fixed-Satellite Service, FCC 83-184, and the following public notices, copies of which are available in the Commission's EDOCS database, available at <https://www.fcc.gov/edocs>: DA 03-3863 and DA 04-1708.) The provisions in this paragraph (a)(2) do not apply to proposed analog video operation, which is subject to the requirement in paragraph (a)(1) of this section. Proposed GSO FSS space-to-Earth transmissions in the 17.3-17.8 GHz band are subject to the requirements of paragraphs (b)(4) through (6) of this section with respect to possible interference into 17/24 GHz BSS networks. Proposed GSO FSS space-to-Earth transmissions in the 17.3-17.8 GHz band are subject to the requirements of § 25.264 with respect to possible interference to the reception of DBS feeder link transmissions (Earth-to-space) in this band.

- b. In paragraph (a)(3)(iii), change “(a)(iii)(A)” to “(a)(3)(iii)(A)”.
- c. In paragraph (a)(3)(iii)(A), change “(a)(iii)(B)” to “(a)(3)(iii)(B).”
- d. In paragraph (b)(4), in the first sentence change “paragraph 5” to “paragraph (b)(5)”.
- e. In paragraph (b)(4)(ii), add the word “and” to the end of the paragraph, to read as follows:

“(ii) Applicants for a FSS space station transmitting in the 17.3-17.8 GHz band to be located less than four degrees from a previously authorized or proposed co-frequency 17/24 GHz BSS space station; and”

- f. In paragraph (b)(6), in the second sentence replace “§25.140” with the word “paragraph” and add the words “of this section”, to read as follows:

“Any applicant for a space station transmitting in the 17.3-17.8 GHz band that has reached a coordination agreement with an operator of another space station to allow that operator to exceed the pfd levels specified in paragraph (a)(3)(iii) or (b)(3) of this section, must use those higher pfd levels for the purpose of this showing.”

7. In paragraph 9:

- a. Correct the amendatory text to read as follows:

“Amend § 25.202 by:

- a. Redesignating paragraphs (a)(10) introductory text, (a)(10)(i), and (a)(10)(ii) as paragraphs (a)(10)(i), (ii), and (iii), respectively; and
- b. Revising newly redesignated paragraph (a)(10)(ii).

The revision reads as follows:”

- b. Under § 25.202, under paragraph (a)(10), add three asterisks.
- c. Renumber paragraph (10)(i) as (10)(ii), and add subparagraph numbering (A) through (N) to the list in 25.202(a)(10)(ii) to read as follows:

“(ii) The following frequencies are available for use by Earth Stations in Motion (ESIMs) communicating with GSO FSS space stations, subject to the provisions in § 2.106 of this chapter:

- (A) 10.7-11.7 GHz (space-to-Earth).
- (B) 11.7-12.2 GHz (space-to-Earth).
- (C) 14.0-14.5 GHz (Earth-to-space).

- (D) 17.3-17.7 GHz (space-to-Earth).
- (E) 17.7-17.8 GHz (space-to-Earth).
- (F) 17.8-18.3 GHz (space-to-Earth).
- (G) 18.3-18.8 GHz (space-to-Earth).
- (H) 18.8-19.3 GHz (space-to-Earth)
- (I) 19.3-19.4 GHz (space-to-Earth).
- (J) 19.6-19.7 GHz (space-to-Earth).
- (K) 19.7-20.2 GHz (space-to-Earth).
- (L) 28.35-28.6 GHz (Earth-to-space).
- (M) 28.6-29.1 GHz (Earth-to-space).
- (N) 29.25-30.0 GHz (Earth-to-space).”

8. In paragraph 10:

- a. Correct the amendatory language to read as follows:

“Amend § 25.203 by revising the table in paragraph (m)(1) and paragraph (m)(3) to read as follows:”

- b. Under § 25.203(m)(1), in the title of the Table, replace the “1” with a “2” and delete the period, to read as follows:

“Table 2 to paragraph (m)(1)”

- c. In the Table under §25.203(m)(1), in the 11th row, columns 2 and 3, and in the 21st row, columns 2 and 3, replace “47 CFR” with “§”.

9. In paragraph 11:

- a. Replace all the text that follows the amendatory language with “§ 25.208 [Amended].”

10. In paragraph 12:

- a. Correct the amendatory language to read as follows:

“Amend § 25.209 by revising the introductory text of paragraphs (a)(1), (3), (4), and (6) and (b)(1) through (3) to read as follows:”

11. In paragraph 13:

- a. Correct the amendatory language to read as follows:

“Amend § 25.210 by:

- a. Revising paragraph (f); and
- b. Removing and reserving paragraph (i).

The revision reads as follows:”

- b. Add three asterisks below paragraph (f), and delete “(g)(i)[Reserved]”.

12. In paragraph 15:

- a. Correct the amendatory language by adding the word “heading” after “paragraphs (i)”.
- b. Correct the title of § 25.218 paragraph (b) to change the first letter of the word “Processing” to lower case.

- c. Below the three asterisks under paragraph (b), add five additional asterisks.
- d. Correct the title of paragraph (j) to change the first letter of the words “Qualifying” and “Applications” to lower case.

13. In paragraph 17:

- a. Correct § 25.262(a) by replacing “below” with “in paragraphs (a)(1) and (2) of this section”.
- b. Renumber paragraphs 25.262(a)(i) and (ii) as (a)(1) and (2).
- c. In paragraph (b), delete one of the section symbols before “25.140(a)(3)(iii)” and change “25.140(b)(3)” to “(b)(3)”, to read as follows:

“(b) Any U.S. licensee or permittee authorized to transmit in the 17.3-17.8 GHz band that does not comply with the applicable power flux-density limits set forth in § 25.140(a)(3)(iii) and/or (b)(3) shall bear the burden of coordinating with any future co-frequency licensees and permittees of a space station transmitting in the 17.3-17.8 GHz band as required in § 25.114(d)(15)(ii).”

- d. In paragraph (c), delete one of the section symbols before “25.140(a)(3)(iii)” and the “25.140” appearing before the reference to 25.140(b)(3) in the last phrase, to read as follows:

“shall reduce its power flux-density levels to be compliant with those specified in § 25.140(a)(3)(iii) and/or (b)(3) as appropriate.”

- e. In paragraph (d), delete the comma after “25.202(a)(9)”.
- f. In paragraph (e), delete the “s” after the word “section.”

14. In paragraph 18:

- a. Correct the amendatory language to read as follows:

“Amend § 25.264 by revising the section heading and the introductory text to paragraph (a), paragraphs (a)(4) and (6), the introductory text to paragraph (b), the introductory text to paragraph (b)(2), paragraphs (b)(2)(ii), (b)(3) and (4), and (c), the introductory text to paragraph (d), paragraph (d)(1)(ii), the introductory text to paragraph (d)(2), the introductory text to paragraphs (e) and (e)(1) and (2), paragraph (e)(3), the introductory text to paragraph (f), paragraphs (f)(2) and (g), and the introductory text to paragraphs (h) and (i) to read as follows:”

- b. Correct the title to 25.264 by changing the first letter of the word “Band” to lowercase.
- c. Replace the three asterisks below paragraph (a) with five asterisks.
- d. Under paragraph (b), delete “(1) * * *”, and replace it with five asterisks.
- e. Under paragraph (b)(2), delete “(i) * * *”, and replace it with five asterisks.
- f. In paragraph (d)(1)(ii), in the second sentence, replace the word “rule” with “paragraph (d)(1)(ii)” and replace the word “through” with “and”, to read as follows:

“In this paragraph (d)(1)(ii), the term “subsequently filed U.S. DBS space station” refers to any co-frequency Direct Broadcast Satellite service space station proposed in a license application filed with the Commission after the operator of a space station transmitting in any portion of the 17.3-17.8 GHz band submitted the predicted data required by paragraphs (a) and (b) of this section but before submission of the measured data required by this paragraph.”

- g. Under paragraph (f), delete “(1) * * *”, and replace it with five asterisks.
- h. In paragraph (f)(2), delete the “s” at the end of the word “paragraphs”.
- i. In paragraph (i), in the first sentence, replace the word “below” with “in paragraphs (i)(1)

and (2) of this section”, and in the second sentence replace the word “below” with “in paragraphs (i)(1) and (2) of this section:”, to read as follows:

“(i) U.S. authorized DBS networks may claim protection from space path interference arising from the reverse-band operations of U.S. authorized space stations transmitting in the 17.3-17.8 GHz band to the extent that the DBS space station operates within the bounds of inclination and eccentricity listed in paragraphs (i)(1) and (2) of this section. When the geostationary orbit of the DBS space station exceeds these bounds on inclination and eccentricity, it may not claim protection from any additional space path interference arising as a result of its inclined or eccentric operations and may only claim protection as if it were operating within the bounds listed in paragraphs (i)(1) and (2) of this section:”