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COMMISSION PROPOSES RULES PROMOTING EFFICIENT SPECTRUM USE BY THE FIXED AND FIXED-SATELLITE SERVICES AND PROVIDING LIMITED BLANKET LICENSING OF SMALL EARTH TERMINALS IN C-BAND

Washington, DC – The Federal Communications Commission (FCC) has adopted a notice of proposed rulemaking (NPRM) designed to promote two important Commission objectives: efficient use of the radio spectrum and wide access to electronic commerce in underserved rural areas of America. These proposed rules address petitions filed by the Fixed Wireless Communications Coalition (FWCC) and Onsat Network Communications, Inc. (Onsat). This NPRM also seeks public comment on a document filed by Hughes Network Systems (Hughes) in another Commission proceeding.

In its petitions, FWCC urged the Commission to ensure more equitable use of spectrum in bands that are shared by the terrestrial fixed service (FS) and the fixed-satellite service (FSS). According to FWCC, the growing scarcity of spectrum, and the increased demand for both FS and FSS services, enhance the importance of encouraging FS/FSS system coordination and of promoting additional spectrum efficiency in these shared bands.

In response, the Commission proposes a rule that seeks to ensure that an FSS licensee uses the spectrum within a reasonable period of time after receiving a license, particularly when an FS applicant desires to use the same spectrum. Specifically, the Commission proposes to require that, where spectrum is requested by a potential FS user and coordination is denied, an FSS earth station that is licensed in the C- or Ku-bands for 24 or more months must demonstrate past, present, or imminent future use of the requested spectrum. If the FSS earth station licensee fails to make such a demonstration during the coordination, the FS station would be successfully coordinated with the FSS earth station, and the FSS earth station licensee would be prohibited from causing unacceptable interference to the FS station on that spectrum in the future. The FSS earth station would also not be protected from future interference from the FS station on the shared spectrum. In addition, the Commission proposes to shorten the loading period for C- and Ku-band FS licensees from 30 months to 24 months. By modifying the Part 25 and Part 101 rules in this manner, the Commission would be giving the FSS and FS licensees a comparable period of time in which to put their spectrum to use. The Commission asks for comment on whether these rules should be made applicable to other bands where the FS and FSS share spectrum on a co-primary basis.

The Commission also proposes that, in all frequency bands where the FS and FSS share a primary service allocation, an FSS earth station or FS station licensee that accepts a particular

interference analysis model to successfully coordinate its station must accept use of the same model in subsequent coordinations. Moreover, the Commission proposes to require that, if a C- or Ku-band FSS earth station licensee, during coordination, accepts a level of interference along a set of azimuths and elevation angles recognized to be below normally permissible interference objectives, the FSS licensee subsequently may not claim protection from interference from future FS applicants on those same frequencies within that same set of azimuths and elevation angles.

Finally, the Commission asks a number of questions about the nature and extent of the FS and FSS sharing problem. For example, the Commission asks whether FS and FSS sharing difficulties have occurred in particular band segments and under which specific circumstances. The Commission also invites specific comment on whether the geographic area licensing of FS facilities by means of auction, as proposed in the Commission's recent *Part 101 NPRM*, leads to any conflict with the current licensing of C-band FSS earth stations or the proposed licensing of the C-band earth station terminal networks proposed by Onsat. *See Reorganization and Revision of Parts 1, 2, 21, and 95 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, WT Docket 94-148, 15 FCC Rcd 3129 (rel., Feb. 14, 2000) (*Part 101 NPRM*).

In a separate rulemaking petition, Onsat seeks to bring high-speed data services to rural Americans by deploying a C-band satellite network under a single authorization, and with prior frequency coordination. The Commission proposes to license these C-band small aperture terminal earth station networks (CSATs) largely as proposed, but would require CSAT networks to use no more than 20 MHz of C-band spectrum and to communicate with no more than three satellite locations within the visible geostationary satellite orbit. Additionally, the Commission requests comment on whether spectrum congestion requires limiting the CSAT service to rural areas. The Commission seeks comment on how to define rural for this purpose and on how to administer such a rural limitation.

Finally, Hughes has filed *ex parte* comments proposing deployment of GSO/FSS earth stations in the shared portion of the Ka-band without individual site-by-site licensing. In the *NPRM*, the Commission invites comment on whether such deployment in the Ka-band would be practicable.

Action by the Commission October 13, 2000, by *Notice of Proposed Rule Making* (FCC 00-369). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani.

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