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FCC MAKES SPECTRUM AVAILABLE FOR NEW FIXED SATELLITE SERVICES AT KU-BAND; SEEKS COMMENT ON LICENSING NEW FIXED SERVICE AT 12 GHz

Washington, DC -- The Commission yesterday adopted a *First Report and Order (First R&O)* to permit non-geostationary satellite orbit (NGSO) fixed-satellite service (FSS) providers to operate in various segments of the Ku-band, and adopted rules and policies to govern these operations. NGSO FSS can provide a variety of new services to the public, such as high-speed Internet access, plus other types of high-speed data, video and telephony services. Because of its ability to serve large portions of the earth's surface, NGSO FSS can bring advanced services to rural areas. The Commission also adopted technical criteria so that NGSO FSS operations can share spectrum with incumbent services on a co-primary basis without causing unacceptable interference to them and without unduly constraining future growth of incumbent services or NGSO FSS system flexibility.

In the *First R&O*, the Commission concluded that a new terrestrial fixed Multichannel Video Distribution and Data Service (MVDDS) can operate in the 12.2-12.7 GHz band on a non-harmful interference basis with incumbent Broadcasting Satellite Services (BSS) and on a co-primary basis with the NGSO FSS. The Commission also adopted a *Further Notice of Proposed Rulemaking (Further NPRM)* seeking comment on technical and service rules for licensing the MVDDS. MVDDS could be used to deliver a wide array of video programming, including local television, and data services in both urban and rural areas.

The Commission's actions provide for the introduction of new advanced services to the public, consistent with our obligations under section 706 of the 1996 Telecommunications Act, and promote increased competition among satellite and terrestrial services. The Commission's actions also comply with the *Rural Local Television Signals Act*, federal legislation adopted last year as part of the 1999 *Satellite Home Viewer Improvement Act (SHVIA)*. Among other things, this law requires the Commission to make a determination by November 29, 2000, regarding licenses or other authorizations for facilities that will utilize, for delivering local broadcast television signals to satellite television subscribers in unserved or underserved local television markets, spectrum otherwise allocated to commercial use.

The Commission's action to provide spectrum for NGSO FSS operations was taken in response to a petition for rulemaking filed by SkyBridge L.L.C. (SkyBridge). The Commission's decisions in the *First R&O* were promoted by actions taken at the 1997 World Radiocommunication Conference (WRC-97) which permitted NGSO FSS operations in various segments of the Ku-band and the 2000 World Radiocommunication Conference (WRC-2000) which reached consensus on technical sharing criteria between NGSO FSS and incumbent fixed satellite and fixed terrestrial operations.

The *First R&O* made the following major determinations regarding NGSO FSS:

- Permits NGSO FSS gateway earth stations to provide, on a primary basis, downlink (space-to-Earth) operations in the 10.7-11.7 GHz band and uplink (Earth-to-space) operations in the 12.75-13.15 GHz, 13.2125-13.25 GHz, and 13.75-14.0 GHz bands, thereby providing 1000 megahertz of spectrum for gateway downlink and 687.5 megahertz of spectrum for gateway uplink operations. Further, permits gateway earth stations to operate in the 11.7-12.7 GHz downlink and 14.0-14.5 GHz uplink bands that will be predominantly used by NGSO FSS service links.
- Permits NGSO FSS to operate service downlinks (space-to-Earth) in the 11.7-12.2 GHz band on a primary basis, and allocate the 12.2-12.7 GHz band for service downlinks on a primary basis. Permits NGSO FSS to operate service uplinks (Earth-to-space) in the 14.0-14.5 GHz band. Provides 1000 megahertz of spectrum for service downlink and 500 megahertz of spectrum for service uplink operations.
- Adopts technical sharing criteria (power flux density (PFD) limits) for NGSO FSS and FS operations in the 10.7-11.7 GHz band. Adopts technical sharing criteria (equivalent power flux density (EPFD) uplink and downlink limits) for NGSO FSS and geostationary-satellite orbit (GSO) FSS operations in all bands.

In the *First R&O*, the Commission also concluded that a new fixed terrestrial service, MVDDS, can operate in the 12.2-12.7 GHz band under the existing fixed service allocation, *i.e.*, on a non-harmful interference basis to incumbent Broadcasting Satellite Service (BSS), and on a co-primary basis to the new NGSO FSS. The Commission determined that it could establish technical criteria for MVDDS that would not impair the provision of BSS.

In the *Further NPRM*, the Commission proposes to authorize MVDDS in the 12.2-12.7 GHz band. The Commission seeks comment on various technical and service issues concerning authorizing MVDDS in the band, including the issues described below.

- Technical sharing criteria between the MVDDS and BSS and between the MVDDS and NGSO FSS.
- Service areas and frequency assignments.
- Permissible operations, eligibility requirements and regulatory status of MVDDS, and other service technical and licensing rules under Part 101 of the Commission's rules.
- Disposition of pending applications filed by Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd..
- Use of the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission's rules in the event an auction is conducted.

Action by the Commission November 29, 2000, by *First Report and Order/Further Notice of Proposed Rulemaking* (FCC 00-418). Chairman Kennard, Commissioners Ness, Powell and Tristani, with Commissioner Furchtgott-Roth approving in part and dissenting in part, and Commissioners Furchtgott-Roth and Tristani issuing separate statements.

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