



# PUBLIC NOTICE

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## INTERNATIONAL BUREAU IDENTIFIES INACTIVE C-BAND INCUMBENT EARTH STATION ANTENNAS AND UNRESPONSIVE C-BAND INCUMBENT EARTH STATION OPERATORS

**Earth Stations that Do Not Provide Notice of Operational Status by April 19, 2021, Will Be Automatically Terminated in IBFS and Lose Incumbent Status**

**IB Docket No. 20-205**

With this Public Notice, the International Bureau (Bureau) provides the following notice to (1) operators of incumbent FSS C-band earth station antennas that have been reported as no longer operational and (2) incumbent Fixed Satellite Service (FSS) C-band earth station operators that have not responded to communications from RSM US LLP (RSM), the C-band Relocation Coordinator, and/or incumbent C-band satellite operators:

**Failure to submit a filing to the Bureau by no later than 90 days after the release of this Notice (April 19, 2021) affirming the continued operation of the identified earth station antennas and the intent to participate in the C-band transition will result in a Bureau announcement that the authorizations identified in the attached documents filed by RSM in IB Docket No. 20-205 on January 14, 2021 have automatically terminated by operation of rule,<sup>1</sup> and that those authorizations will be terminated in IBFS and removed from the incumbent earth station list.<sup>2</sup>**

<sup>1</sup> See 47 CFR § 25.161(c) (a station authorization “shall be automatically terminated . . . without further notice upon [t]he removal or modification of the facilities which renders the station not operational for more than 90 days”).

<sup>2</sup> 47 CFR § 25.138(c)(1) (among other requirements, an incumbent earth station must “continue to be operational” to be eligible for the C-band transition). An incumbent earth station for purposes of the C-band transition is “entitled to interference protection pursuant to § 25.138(c) of this chapter. An incumbent earth station must transition above 4000 MHz pursuant to this subpart. An incumbent earth station will be able to continue receiving uninterrupted service both during and after the transition.” 47 CFR § 27.1411(b)(3). Incumbent earth station operators could opt for either reimbursement of their transition costs, or a lump sum election in the event they decided not to participate in the formal relocation process. 47 CFR § 27.1419. The inactive incumbent earth stations identified by RSM exclude any earth stations for which a lump sum election was made.

In a recent *ex parte* filing, RSM has provided the Bureau with lists of earth station antennas that have been reported to RSM or incumbent satellite operators as no longer operational, as well as earth station operators (and associated antennas) that have failed to respond to communications from RSM or the incumbent satellite operators.<sup>3</sup>

Under the Commission's *3.7 GHz Band Report and Order*, RSM is responsible for coordinating with the five incumbent C-band satellite operators – Eutelsat, Intelsat, SES, StarOne, and Telesat – to ensure that all incumbent earth stations are accounted for in the transition.<sup>4</sup> The overwhelming majority of incumbent earth stations have been claimed by the satellite operator from which they receive service and will be transitioned to the upper 200 megahertz of the band. Because the incumbent satellite operators do not necessarily have a direct customer relationship with each earth station receiving from their satellites, the satellite operators have conducted significant outreach to earth station operators to build, refine, and maintain their lists of claimed stations, which have been identified in each of the satellite operators' transition plans to the Commission.<sup>5</sup> A limited number of incumbent earth stations, however, remain unclaimed by any of the satellite operators. In these cases, RSM, as the C-band Relocation Coordinator, has conducted outreach and research to determine whether the earth station is still active and, if so, the satellite(s) from which the earth station receives its service so that it may assign, if possible, that earth station to a satellite operator for transition purposes.<sup>6</sup> RSM states that it and the incumbent satellite operators regularly share the results of their respective outreach efforts to better coordinate the transition of incumbent earth stations.

On January 14, 2021, RSM submitted an *Ex Parte* filing that includes two lists of incumbent earth stations. In one list, RSM identifies various individual earth station antennas that it reports, based on communications with earth station operators by RSM or satellite operators or both, as no longer operational at the site address and GPS coordinates provided in the latest incumbent earth station list.<sup>7</sup> In

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<sup>3</sup> Letter from Sanga Chandel, RSM US LLP, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 20-205, at 1 (filed Jan. 14, 2021) (RSM *Ex Parte*). A copy of the RSM *Ex Parte* is attached to this Public Notice. In addition, the RSM *Ex Parte*, with its attachments, can be found in ECFS at <https://www.fcc.gov/ecfs/filing/10115042041685>. Attachment A to the RSM *Ex Parte* identifies earth station antennas that have been reported by earth station operators to RSM, the satellite operators, or both as no longer operational; Attachment B identifies earth station operators (and associated antennas) that are reported to Commission staff by RSM, the satellite operators, or both as unresponsive to outreach efforts undertaken by those entities to implement the C-band transition.

<sup>4</sup> See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2391, paras. 116-23 (2020) (*3.7 GHz Band Report and Order*). As a reminder, the Commission decided in the *3.7 GHz Band Report and Order* that it will no longer accept applications for registration and licenses for FSS operations in the 3.7-4.0 GHz band in the contiguous United States and that it will not accept applications for new earth stations in the 4.0-4.2 GHz band in the contiguous United States for the time being, during the C-band transition. *3.7 GHz Band Report and Order*, 35 FCC Rcd at 2407, paras. 149-151.

<sup>5</sup> See RSM *Ex Parte* at 1; 47 CFR § 27.1412(d) (transition plan requirements). The most recent status information on the satellite operators' transition plans can be found in their respective quarterly reports filed in GN Docket No. 20-173 on December 31, 2020.

<sup>6</sup> *3.7 GHz Band Report and Order*, 35 FCC Rcd 2343, 2460, para. 313. To the extent an earth station antenna cannot be assigned to a satellite operator, RSM is ultimately responsible for recommending an earth station transition plan for that antenna and to assist, when necessary, the earth station by installing filters or hiring third parties to install such filters. 47 CFR § 27.1413(c)(3)(ii).

<sup>7</sup> See RSM *Ex Parte* at 1 and Attachment A. See *International Bureau Releases Updated List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, Public Notice, DA 20-1424, IB Docket No. 20-205 (rel. Nov. 30, 2020) and *Erratum to International Bureau Releases Updated List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, Public Notice, DA 20-1448, IB Docket No. 20-205 (rel. Dec. 3, 2020) for the current incumbent earth station list and an explanation of the criteria applied to be included on the list.

the other list, RSM identifies earth station operators (and associated antennas) that it reports as unresponsive to multiple and varied C-band transition outreach efforts by RSM, the satellite operators, or both, via email, phone, and, in some cases, certified mail.<sup>8</sup>

**Reported inactive earth station antennas.** RSM and/or the incumbent satellite operators have reported that, based on their communications with the relevant earth station operators, the incumbent earth station antennas identified in Attachment A to the RSM *Ex Parte* are no longer operational. Under the Commission's rules, antennas must continue to be operational to qualify for incumbent status.<sup>9</sup>

We hereby presume that earth station antennas reported to us as inactive on Attachment A to the RSM *ex parte* filing are no longer operational. Section 25.161(c) of the Commission's rules provides that an earth station authorization is automatically terminated if the station is not operational for more than 90 days.<sup>10</sup> We also note that the Commission's rules require earth station operators to take the steps necessary to remove non-operational antennas from the active records in the International Bureau Filing System (IBFS).<sup>11</sup>

We direct earth station operators with incumbent earth station antennas reported to Commission staff as inactive to make either of two filings no later than 90 days after release of this Notice (April 19, 2021): (1) file to remove those antennas from IBFS as no longer operational as required by Commission rule,<sup>12</sup> or (2) file in Electronic Comment Filing System (ECFS) IB Docket No. 20-205 to assert that those antennas are still operational. An earth station operator may contact Bureau staff at [IBFSINFO@fcc.gov](mailto:IBFSINFO@fcc.gov) if it has questions about the above or if it needs instructions on how to surrender entire Callsigns in IBFS or how to remove an inactive earth station antenna from a Callsign that includes other operational earth station antennas.

**Earth station operators that do not respond by April 19, 2021 to affirm the continued operation of the identified earth station antennas will be deemed to have had the authorizations for those antennas automatically terminated by rule.** Those authorizations will be terminated in IBFS, i.e., the IBFS records for those antennas will be shown with a terminated status. Such terminated earth stations will also be removed from the incumbent earth station list and will not be entitled to protection from interference from the network deployments of new wireless licenses or be eligible for reimbursement of any transition costs, including the cost of any filters, that those earth stations may decide to incur.

**Unresponsive earth station operators (and associated antennas).** Based on their failure to respond to multiple contact attempts by RSM and the incumbent satellite operators, we hereby presume that the incumbent earth station antennas identified in Attachment B to the RSM *Ex Parte* as associated with unresponsive earth station operators have ceased operations. Section 25.161(c) of the Commission's rules provide that an earth station authorization is automatically terminated if the station is not operational for more than 90 days.<sup>13</sup>

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<sup>8</sup> See RSM *Ex Parte* at 1 and Attachment B.

<sup>9</sup> 47 CFR § 25.138(c)(1). As noted above, the earth station antennas in the RSM *Ex Parte* do not include those that are subject to lump sum elections. Those elections may include C-band antennas whose operators have decided to discontinue all use of the C-band by the end of the C-band transition.

<sup>10</sup> 47 CFR § 25.161(c). The Bureau has delegated authority to enforce the Part 25 rules. 47 CFR § 0.261(a)(15).

<sup>11</sup> 47 CFR § 25.115(b)(8).

<sup>12</sup> In addition to the required filings in IBFS, those earth station operators may also make a filing in ECFS IB Docket No. 20-205 confirming the extent to which they are surrendering or removing antennas in IBFS.

<sup>13</sup> 47 CFR § 25.161(c).

To confirm whether or not these unresponsive station operators have discontinued the operation of these earth station antennas, we direct the operators of earth stations on the list whose facilities continue to be operational to submit a notification, by no later than 90 days after release of this Public Notice (i.e., no later than April 19, 2021), affirming that these facilities remain operational and that they intend to participate in the C-band transition. Operators should submit this notification to the Bureau in ECFS IB Docket No. 20-205.<sup>14</sup> In providing this response, an earth station operator affirming that the identified earth station antennas remain operational should identify the satellite from which each antenna is receiving service. Commission staff will forward all affirmations of continued operation to the Relocation Coordinator and/or relevant satellite operator(s), who will contact affirming earth station operators directly to initiate the transition.

**Earth station operators that do not respond by April 19, 2021 to affirm the continued operation of the identified earth station antennas will be deemed to have had the authorizations for those antennas automatically terminated by rule.** Those authorizations will be terminated in IBFS. Such terminated earth stations will also be removed from the incumbent earth station list and will not be entitled to protection from interference from the network deployments of new wireless licenses or be eligible for reimbursement of any transition costs, including the cost of any filters, that those earth stations may decide to incur.

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<sup>14</sup> An earth station operator may contact Bureau staff at [IBFSINFO@fcc.gov](mailto:IBFSINFO@fcc.gov) if it wants advice on how to make a filing in ECFS.