

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

In the Matter of) IB Docket No. 00-248
)
2000 Biennial Regulatory Review --)
Streamlining and Other Revisions of Part 25)
of the Commission's Rules Governing the)
Licensing of, and Spectrum Usage by,)
Satellite Network Earth Stations and Space)
Stations)

To: The Commission

REPLY COMMENTS OF ONSAT NETWORK COMMUNICATIONS, INC.

OnSat Network Communications, Inc. (“OnSat”)¹ files these reply comments in the above-captioned proceeding to address the requirement that license applicants obtain affidavits from satellite operators in order to use antennas with non-routine antenna gain patterns.² OnSat has encountered great difficulty in obtaining affidavits that meet the Commission’s proposed requirements. OnSat accordingly urges the Commission to ensure that non-routine antenna license applicants have alternatives other than the proposed affidavits to demonstrate that their antennas do not cause unacceptable interference to adjacent satellite systems. In particular, OnSat supports the option, proposed in the Notice, that non-routine antennas be authorized to operate using reduced power levels.

¹ OnSat provides interactive broadband services to rural schools, libraries, small businesses, and other institutions using a C-Band VSAT (“CSAT”) network.

² *In re 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission’s Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations*, FCC 00-435, IB Docket No. 00-248, Section III.B.2 (released Dec. 14, 2000) (“Notice”).

Under the Commission’s current rules, an earth station applicant seeking authority to operate an antenna with a non-routine antenna gain pattern (*i.e.*, one that exceeds the limits set forth in Section 25.209 of the Commission’s rules) must use a time-consuming and burdensome process to demonstrate that the antenna will not cause unacceptable interference to adjacent satellite systems (in keeping with the Commission’s 2° orbital spacing policy).³ The Commission has proposed replacing this process by “requiring applicants to either (1) reduce their power levels to those that would be produced if the maximum allowable power level were transmitted by an antenna that complies with the 2° spacing standards of the Commission’s rules, or (2) obtain affidavits from satellite operators demonstrating that the satellite operators are aware of the proposed non-routine earth station operations and have reflected those non-routine operations in agreements with other satellite operators.”⁴ OnSat supports these proposed changes to the rules as they facilitate expeditious licensing of smaller antennas, which have numerous advantages and, with advances in technology, often do not pose interference-related concerns.⁵

However, OnSat wishes to bring to the Commission’s attention the fact that obtaining the necessary affidavits from satellite operators can be difficult and time-consuming, or even impossible. In deploying its CSAT network using 3.7 m remote antennas, OnSat has attempted to obtain affidavits from satellite operators in order to demonstrate that its antennas will not cause unacceptable interference to adjacent satellite systems (as required by the interim procedures outlined by the International Bureau). OnSat has found that some satellite operators

³ Notice ¶ 8.

⁴ *Id.*; see also Proposed Rule 25.220, *id.* app. B.

⁵ Notice ¶ 12.

are unwilling to provide such affidavits — despite the fact that OnSat’s 3.7 m antenna causes less interference at 1° off-axis than a fully-compliant (4.5 m or larger) antenna operating at full power. The satellite operators’ unwillingness may be due to the fact that earth station operators — in order to be prepared for emergency situations — often seek authorization to operate using satellites as to which they have no contractual rights.⁶ The operators of those satellites may be unwilling to provide an affidavit for a party with whom they have no contractual relationship. Further, the Comments filed in this proceeding illustrate that several satellite operators oppose providing the proposed affidavits to earth station operators,⁷ and these satellite operators likely will continue to refuse to provide earth station operators with the requested affidavits (or will be reluctant to provide them in a timely manner).

In light of the difficulties it has encountered in obtaining affidavits from some satellite operators, OnSat urges the Commission to ensure that there are alternatives to the affidavit requirement for earth station operators to demonstrate that their antennas with non-routine antenna gain patterns do not cause unacceptable interference to adjacent satellites. The need for such alternatives is especially acute for CSAT networks in light of the proposed 3 orbital slot limitation.⁸ Indeed, the refusal of even a single satellite operator to provide the necessary

⁶ These satellites are typically “back ups” that the earth station operator only expects to use in an emergency (*i.e.*, when there are problems with the satellite that the earth station operator ordinarily uses).

⁷ See, *e.g.*, Comments of PanAmSat Corp. at 4, 6–7 (Mar. 26, 2001); Comments of Telesat Canada at 2–4 (Mar. 26, 2001).

⁸ *In re FWCC Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service That Share Terrestrial Spectrum, FWCC Petition for Rulemaking to Set Loading Standards for Earth Stations In the Fixed-Satellite Service that Share Terrestrial Spectrum, Onsat Petition for Declaratory Order that Blanket Licensing Pursuant to Rule 25.115 (c) is Available for Very Small Aperture Terminal Satellite Network Operations at C-Band, Onsat Petition for Waiver of Rule 25.212(d) to the Extent Necessary to Permit Routine Licensing of 3.7 Meter Transmit and Receive Stations at C-Band, Ex parte Letter Concerning Deployment of Geostationary Orbit FSS Earth Stations in (continued...)*

affidavit prevents the CSAT network from using the corresponding satellite, which in turn significantly reduces the operational flexibility of the CSAT network.⁹ OnSat accordingly supports the reduced power operation option proposed in the *Notice*.¹⁰ If implemented, this option would provide an acceptable alternative to requiring the earth station operators to obtain affidavits.

* * *

In summary, in light of the need to streamline the procedures for the licensing of non-routine antennas, the Commission should ensure that there is *some* alternative to obtaining affidavits from satellite operators as proposed. As has been OnSat's experience, some satellite operators may not be willing to provide affidavits to earth station operators, even when the earth station antennas do not pose a risk of unacceptable interference to adjacent satellite systems. Accordingly, OnSat supports the proposed option that non-routine antennas be authorized to operate at reduced power levels.

the Shared Portion of the Ka-Band, Notice of Proposed Rulemaking, FCC 00-369, IB Docket No. 00-203, RM-9649, SAT-PDR-19990910-00091, ¶ 93 (rel. Oct. 24, 2000); *see also* Proposed Rule 25.115(c)(2)(i), *id.* app. C.

⁹ This argument assumes that CSAT network operators would seek authorization for three adjacent satellites rather than any three satellites for which it can obtain the necessary affidavits. There are several reasons for a CSAT network operator to do so. First, using adjacent satellites minimizes the concerns of the fixed wireless community because the effective total amount of spectrum resources used is less than if the earth station antenna used three satellites at completely different points in the visible geostationary satellite arc. Second, in a disaster recovery situation, it is easier for earth station antennas to re-point to an adjacent satellite. Third, the frequency coordination process is easier when the frequencies are cleared for use in approximately the same satellite arc. Finally, using adjacent satellites minimizes the spectral arc in which a non-compliant CSAT antenna would operate. Thus, because a CSAT network operator has strong reasons to seek authorization using three adjacent satellites, the refusal of even one of the satellite operators to provide the necessary affidavit has a significant impact on the CSAT network's operational flexibility.

¹⁰ *Notice* ¶ 8.

Respectfully submitted,
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