Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Procedures to Govern the Use of	)	
Satellite Earth Stations on Board Vessels	)	IB Docket No. 02-10
in the 5925-6425 MHz/3700-4200 MHz Bands	)	
and 14.0-14.5 GHz/11.7-12.2 GHz Bands	)	

REPLY COMMENTS OF SES AMERICOM, INC.

SES AMERICOM, Inc. ("SES AMERICOM"), by its attorneys, hereby replies to the comments of other parties in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.[1]

The record before the Commission strongly supports the development of rules that will permit the deployment of earth stations on vessels ("ESVs") in both the C-band and the Ku-band pursuant to expedited licensing procedures. Such procedures will permit U.S. operators to take advantage of the WRC-03 decision that created a framework for ESV operations around the globe. As the Commission has recognized, expansion of ESV operations will also extend the reach of broadband services and enhance U.S. national security. *Notice* at ¶¶ 3, 23. Furthermore, the comments demonstrate that these goals can be achieved without

---

[1] *Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands*, Notice of Proposed Rulemaking, IB Docket No. 02-10, FCC 03-286 (Nov. 24, 2003) ("*Notice*").

impairing existing operations in this band. The Commission should accordingly proceed with the adoption of rules to facilitate the deployment of ESVs.

I. THE RECORD SUPPORTS ALLOWING ESVs TO OPERATE IN BOTH THE C-BAND AND THE KU-BAND

The comments in this proceeding support permitting ESV operations in both the C-band and the Ku-band under reasonable terms.

A. Ku-band ESVs Should Have Co-Primary Status

Several commenters argue that ESVs operating in the Ku-band should be accorded co-primary status.[2] SES AMERICOM agrees that co-primary status should be extended to Ku-band ESVs. As Inmarsat notes, terrestrial and radioastronomy operations will be protected through footnotes to the Table of Frequency Allocations, making it unnecessary to relegate ESVs to secondary status in the band.[3]

B. Ku-Band ESVs Should Be Permitted on All Vessels

In its comments, SES AMERICOM opposed the Commission's proposed 300-ton vessel weight requirement for ESV operations in the Ku-band. Comments at 5. Many other commenters express similar objections,[4] and no commenter

---

[2] *See* Boeing Comments at 6-7; Stratos Comments at 7-8; Inmarsat Comments at 3-4; Intelsat Comments at 2; Schlumberger Omnes Comments at 9.

[3] *See* Inmarsat Comments at 3-4.

[4] *See* MTN Comments at 26; Boeing Comments at 27-28; Stratos Comments at 16-17; Inmarsat Comments at 15; Schlumberger Omnes Comments at 10; Intelsat Comments at 6-7; Pinnacle Telecom Group at 2-3.

actively supports the proposed Ku-band vessel weight requirement. The only support for vessel weight limitations focuses on the C-band, not the Ku-band.[5] In short, the record does not support the imposition of a vessel weight limitation in the Ku-band. As SES AMERICOM noted in its comments, the Commission should refrain from imposing broad restrictions on ESV operations where they would not result in a commensurate benefit. *Id.* Because few terrestrial services operate in the Ku-band, the possibility of harmful interference from ESVs is slight. Under these circumstances, there is no justification for any vessel weight restriction in the Ku-band.

C. The Commission Should Not Limit ESVs' C-Band Downlink Spectrum

SES AMERICOM argued in its comments that ESVs must have access to the greater coverage of shoreline and ocean routes that C-band satellites provide, and that restrictions on ESV operations in the band must not be too onerous. Comments at 2-3. Specifically, SES AMERICOM urged the Commission not to adopt its proposed limitation of 36 megahertz of downlink spectrum per satellite for ESVs operating in the C-band. *Id.* at 4-5. SES AMERICOM explained that the proposed downlink limit is unnecessary because satellite downlinks pose no interference threat to terrestrial operations. *Id.* Instead, satellite receivers are potential victims of interference from nearby terrestrial systems.

---

[5] *See, e.g.*, Inmarsat Comments at 20; FWCC Comments at 13-14; NSMA Comments at 2.

Other commenting parties also express concern about the implementation of the Commission's proposed uplink and downlink spectrum limitations. For example, Stratos argues that the uplink and downlink limitations are acceptable only if operators are given the option of using the allocated spectrum on a single satellite, rather than having to split it between two as proposed in the *Notice*. Stratos Comments at 14. This proposal would give ESV operators up to 72 megahertz of downlink spectrum per satellite per location. Telenor Satellite Services suggests that the proposed limitations would be acceptable provided that they apply to particular vessels, not to all ESVs operated by a particular service provider. Telenor Comments at 8. SES AMERICOM believes that even with these qualifications, the proposed downlink spectrum limitation still represents an unnecessary limitation for the reasons described above.

SES AMERICOM also opposes the FWCC's proposal that ESVs should be restricted to the amount of spectrum for which they can demonstrate actual need. FWCC Comments at 12-13. Again, for the reasons stated above there is no need for a limitation on downlink spectrum. Furthermore, the Commission has previously considered and rejected the FWCC's claims that a demonstration of actual need should be required for access by fixed-satellite service operations to spectrum shared with terrestrial fixed services. Specifically, the Commission found that "the FSS and FS have significantly different requirements for access to the electromagnetic spectrum in order to meet their business needs," and determined that there was an "absence of evidence" that the current rules had harmed the

terrestrial fixed service community."[6] For the same reasons, the FWCC's proposal here should be rejected.

II. THE COMMISSION SHOULD APPLY ITS BLANKET LICENSING POLICIES AND PART 25 TECHNICAL RULES TO ESVS

The Commission should adopt its proposals to license ESVs pursuant to existing blanket licensing procedures and the technical requirements found in Part 25. In its initial comments, SES AMERICOM strongly supported the proposed licensing schemes outlined in the *Notice*. Comments at 6-7. In particular, SES AMERICOM endorsed the Commission's proposal to permit blanket licensing under rules patterned after the current procedures for VSAT licensing (for Ku-band) and CSAT licensing (for C-band). *Id.* Other commenters also express support for blanket licensing,[7] which will permit ESVs to be authorized without unduly burdening operators or Commission staff. The Commission should implement ESV blanket licensing in both the C- and Ku-bands.

The *Notice* also proposes to apply the Part 25 framework for processing of routine and non-routine antennas to ESV applications. Pursuant to these rules, C-band and Ku-band ESV antennas that conform to Commission technical

---

[6] *Second Report and Order*, IB Docket No. 00-203, 17 FCC Rcd 2002, 2007 (2002).

[7] *See* MTN Comments at 20-23; Boeing Comments at 14-25; Stratos Comments at 19-21; Inmarsat Comments at 13-14; Broadband Maritime Comments at 5-6; Schlumberger Omnes Comments at 9; PanAmSat Comments at 1; Intelsat Comments at 2-3; Telenor Comments at 2-3.

requirements will be eligible for routine processing. Applicants proposing to use non-conforming ESV antennas will be required to make additional showings regarding interference risk.

SES AMERICOM supports this proposal as well. We agree with the Commission that the Part 25 rules, as they may be modified in the pending *Part 25 Streamlining* proceeding, provide an appropriate technical framework for ESV operations. Comments at 7-8. ESV antennas that comply with the applicable standards for routine processing should be treated on a streamlined basis under the Commission's rules. SES AMERICOM also supports the Commission's proposal to impose a 0.2 degree pointing accuracy requirement on Ku-band ESVs, as specified by Resolution 902. Other commenters likewise agree with the Commission's proposals regarding processing of ESV applications and pointing accuracy requirements.[8]

III. FIXED OIL PLATFORMS SHOULD NOT BE TREATED AS ESVs

SES AMERICOM recommended in its initial comments that oil platforms that remain stationary for at least six months should be treated as fixed earth stations rather than ESVs. Comments at 8-9. Several commenters agreed with this position, which also accords with existing Commission procedures.[9]

---

[8] *See* MTN Comments at 29; Boeing Comments at 21; Stratos Comments at 20; Inmarsat Comments at 14-15.

[9] *See* MTN Comments at 24-25; Stratos Comments at 23-24; Intelsat Comments at 5-6.

CONCLUSION

SES AMERICOM respectfully requests that the Commission adopt rules to facilitate licensing of C-band and Ku-band ESVs, consistent with the recommendations made in SES AMERICOM's initial comments and these reply comments.

Respectfully submitted,

SES AMERICOM, INC.

By: */s/ Karis A. Hastings*
Peter A. Rohrbach
Karis A. Hastings
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5600

Scott B. Tollefsen
Nancy J. Eskenazi
SES AMERICOM, Inc.
Four Research Way
Princeton, NJ 08540

March 24, 2004