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VIA ELECTRONIC FILING

April 19, 2004

Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation, IB Docket Nos. 00-248 and 02-10

Dear Ms. Dortch:

Earlier today representatives of The Boeing Company met with members of the International Bureau staff to discuss issues raised in the above-referenced proceedings. Participants in the meeting included Audrey Allison, Guy Christiansen and Alan Rinker of The Boeing Company; Carlos Nalda of Steptoe & Johnson; and Thomas Tycz, John Martin, Steven Spaeth and, via telephone, Belinda Nixon of the International Bureau. The issues discussed at the meeting are set forth in the attached presentation.

Any questions regarding this matter may be directed to the undersigned.

Respectfully submitted,

s/ Carlos M. Nalda

Carlos M. Nalda

Counsel for The Boeing Company

cc: Thomas Tycz
John Martin
Steven Spaeth
Belinda Nixon



Connexion by BoeingSM

FCC Earth Station Licensing and Adjacent Satellite Operator Coordination

Presentation to the
FCC International Bureau

April 19, 2004



Overview

- Pending FCC earth station licensing rulemakings
 - AMSS Petition for Rulemaking (July 2003)
 - Earth Stations On Board Vessels (ESV) NPRM (November 2003)
 - Part 25 earth station streamlining proceeding (December 2000; nearing completion)
- These proceedings and existing FCC rules recognize that control of interference into adjacent satellites is a primary focus of earth station licensing
- For AMSS and ESVs, the FCC should require adjacent satellite operator coordination only where earth station transmit off-axis e.i.r.p. or downlink power density exceeds the levels specified in the rules or coordination agreement

Protection of Adjacent Satellites

- Compliance with FCC's off-axis e.i.r.p. and downlink power density levels or coordination agreement eliminates the need for adjacent satellite operator coordination
 - Uplink coordination required only where off-axis e.i.r.p. exceeds prescribed levels
 - Downlink coordination required only if previously accepted power levels exceeded
- Coordination letters are unnecessary and unduly burdensome where operations are compliant
- FCC application proceeding and other procedures provide ample notice to interested parties and assurance to FCC that operations will be compliant

Part 25 Earth Station Licensing

- Section 25.134(a)(1) specifies maximum downlink power density and antenna input power density; Section 25.134(a)(2) references compliance with the antenna gain patterns in Section 25.209.
- Section 25.134(b) provides that applicants may exceed the power levels, but must provide an interference analysis and “shall provide proof by affidavit that all potentially affected parties acknowledge and do not object to the use of the applicant’s **higher power density**.”
- Section 25.209(f) provides that “[a]n earth station with an antenna not conforming to the standards of paragraphs (a) and (b) of this section will be routinely authorized . . . upon a finding by the Commission that **unacceptable levels of interference will not be caused** under conditions of uniform 2° orbital spacings.”

AMSS Petition for Rulemaking

- The AMSS Petition for Rulemaking proposes to adopt essential elements of Recommendation ITU-R M.1643
- Routine licensing pursuant to a separate AMSS rule based on compliance with an off-axis e.i.r.p. mask
 - Off-axis e.i.r.p. limited to that of a routinely licensed VSAT
 - Approach recognizes sophisticated nature of AMSS antenna systems and network control technologies (versus traditional VSAT operations)
 - Approach similar to that adopted for new Ka-band earth stations in Section 25.138
- Adjacent satellite operator coordination is necessary only if applicable off-axis e.i.r.p. levels would be exceeded

FCC's Proposed ESV Rules

- Licensing under the VSAT rules based on compliance with Section 25.134 power levels and Section 25.209 antenna performance standards
- Non-conforming Ku-band ESV antennas permitted with technical demonstration under Section 25.134(b) for non-conforming VSATs
- Boeing agrees with these fundamental principles, but believes that ESVs should be licensed pursuant to an off-axis e.i.r.p. approach
 - Resolution 902 adopts an off-axis e.i.r.p. approach to control adjacent satellite interference from ESV operations

Part 25 Streamlining

- The FCC proposes to revise Section 25.220 to codify licensing of earth stations that reduce off-axis e.i.r.p. to levels compliant with Sections 25.134 and 25.209
- SIA proposals in the Part 25 streamlining proceeding
 - Licensing of non-conforming VSATs in very limited circumstances based on enhanced antenna pointing accuracy
 - Does not support licensing of traditional C-band and Ku-band earth stations based on off-axis e.i.r.p. reduction without adjacent satellite operator coordination
 - *SIA did not contemplate application of its Part 25 proposals to AMSS or ESV systems. See SIA Ex Parte, IB Docket No. 00-248 (filed March 23, 2004).*

Conclusion

- AMSS and ESV systems are distinct from traditional VSATs and may be licensed differently
 - Shoehorning ESV or AMSS rules into the VSAT licensing rules is inappropriate
 - Outcome of Part 25 streamlining should not prejudice ongoing consideration of AMSS and ESV licensing rules
- AMSS and ESV licensing rules should be based on an off-axis e.i.r.p. approach
- Compliance with FCC's off-axis e.i.r.p. and downlink power density levels or coordination agreement eliminates the need for adjacent satellite operator coordination