

# Morgan Lewis

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March 1, 2017

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**RE: Cut-off Established for Additional NGSO-Like Satellite Applications or Petitions for Operation in the 37.5-40.0 GHz, 40.0-42.0 GHz, 47.2-50.2 GHz and 50.4-51.4 GHz Bands; Boeing Application IBFS File No. SAT-LOA-20160622-00058**

Dear Ms. Dortch,

To the extent necessary given pending applications and waiver requests, Audacy Corporation (“Audacy”), by its undersigned counsel and pursuant to Section 25.157(c) of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) Rules, 47 CFR § 25.157(c), hereby requests that the Commission consider Audacy’s previously filed application for NGSO-like satellite operation (IBFS File No. SAT-LOA-20161115-00117)<sup>1</sup> a “competing application” for participation in the above-referenced processing round.<sup>2</sup>

As elaborated in greater detail below, Audacy’s proposed NGSO-like network will offer end users unique inter-satellite relay services, involves *de minimis* ground station sites, and can be successfully coordinated with other NGSO-like networks without partitioning or setting aside spectrum for exclusive use. Given the unique qualities of its

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<sup>1</sup> *Audacy Corporation, Application for Authority to Launch and Operate a Non-Geostationary Low Earth Orbit Satellite System in the Fixed Satellite Service*, IBFS File No. SAT-LOA-20161115-00117 (filed November 15, 2016) (“Audacy Application”).

<sup>2</sup> Satellite Policy Branch Information, Public Notice, DA 16-1244 (rel. Nov. 1, 2016) (“Public Notice”).

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network, the FCC may grant Audacy's NGSO-like application without precluding other parties from using co-channel frequencies and without a processing round mechanism, and Audacy has a waiver request for Section 25.157(c) pending before the Commission. Favorable treatment of this pending waiver request may render participation in the instant processing round moot.

### ***1. Statement of Interest***

The Commission initiated a processing round mechanism for NGSO-like satellite applications and petitions for operation in the 37.5-40.0 GHz, 40.0-42.0 GHz, 47.2-50.2 GHz and 50.4-51.4 GHz bands on November 1, 2016, identifying The Boeing Company ("Boeing") as the lead applicant.<sup>3</sup> Competing applications and petitions filed by March 1, 2017 will be considered concurrently with Boeing.<sup>4</sup> On November 15, 2016, Audacy Corporation filed an application for an NGSO-like network that seeks authority to operate feeder links between its three (3) proposed Medium Earth Orbit ("MEO") satellite relays and space-to-earth in the 37.5-40.0 GHz and 40.0-42.0 GHz bands and earth-to-space in the 47.2-50.2 GHz and 50.4-51.4 GHz bands.<sup>5</sup>

### ***2. Pending Waiver Requests***

Audacy's proposed NGSO-like relay satellites do not resemble a conventional commercial satellite network intended to serve a large number of end user ground stations. Instead, Audacy's proposed network will provide inter-satellite communications to Low Earth Orbit ("LEO") satellites and launch vehicles.<sup>6</sup> These communications will be aggregated at the Audacy relay satellites and delivered via trunked feeder links to a handful of large and highly efficient gateway earth stations.<sup>7</sup>

Given that Audacy's proposed satellite network involves a *de minimis* number of ground stations, as well as antennas with high directionality and corresponding levels of discrimination, in-line occurrences of interference with other space-based networks are

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<sup>3</sup> Public Notice; *The Boeing Company, Application for Authority to Launch and Operate a Non-Geostationary Low Earth Orbit Satellite System in the Fixed Satellite Service*, IBFS File No. SAT-LOA 20160622-00058 (filed June 22, 2016)

<sup>4</sup> Public Notice at p.3.

<sup>5</sup> Audacy Application Narrative Exhibit, p.2.

<sup>6</sup> See Audacy Application Narrative Exhibit, at pgs. 16-22, for a comprehensive explanation of the proposed relay network's physical and radiofrequency architecture.

<sup>7</sup> At present, Audacy contemplates three (3) gateway earth stations, and does not anticipate the need for more than a nominal number of supplemental earth station sites for emergency restoration of service in the event of a catastrophic problem rendering an existing gateway inoperable. Audacy contemplates the deployment of no more than one (1) gateway in the conterminous United States.

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avoidable, and terrestrial networks need only coordinate with a single proposed ground station in the conterminous United States. Accordingly, favorable action on Audacy's NGSO-like application will not preclude new entrants from using frequencies involved in the satellite relay network, and Audacy has a waiver request from the processing round mechanism pending before the Commission. Audacy recognizes that grant of this waiver request may obviate the need for participation in the instant processing round.

Sincerely,

/s/

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*Counsel to Audacy Corporation*

CC  
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