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

In the Matter of	)	
	)	
Audacy Corporation	)	File No. SAT−LOA−20161115−00117
	)	
Application for Authority to Launch and Operate a Non-Geostationary Satellite Medium Earth Orbit Satellite System in the Fixed- and Inter-Satellite Services	)	

PETITION TO DENY

In the above-captioned "Application," Audacy Corporation ("Audacy") seeks a license for a planned non-geostationary satellite orbit ("NGSO") satellite system.[1] Telesat Canada ("Telesat") files this Petition to Deny for the reasons set out below.

The frequencies proposed by Audacy for its operations overlap with the following frequency bands Innovation, Science and Economic Development Canada ("ISED") has authorized Telesat to use for its NGSO network: 19.7-20.2 GHz (space-to-Earth) and 29.5-30.0 GHz (Earth-to-space).[2]

Audacy's NGSO system would interfere with Telesat's NGSO operations because the two systems would operate in overlapping geographical areas on

[1] *See Public Notice*, *Applications Accepted For Filing, Cut-Off Established for Additional NGSO-Like Satellite Applications or Petitions For Operations in the 12.75-13.25 GHz, 13.85-14.0 GHz, 18.6-18.8 GHz, 19.3-20.2 GHz, and 29.1-29.5 GHz Bands*, DA 17-524, File No. SAT-LOI-20161115-00121 (May 26, 2017).
[2] Telesat Approvals in Principle, ISED file 3150-1 (557203 AT) dated June 26, 2015, and ISED file 3150-1 (565832 SS) dated June 26, 2015, for the 27.5 – 29.1, 29.5 – 30, 17.8 – 19.3, and 19.7 – 20.2 GHz bands.

overlapping Ka-band frequencies. Because Audacy's NGSO system would interfere with Telesat's NGSO operations, Telesat hereby opposes Audacy's Application.[3]

Audacy asserts that "in-line interference events with other operators … [would] be rare,"[4] states that its use of the Ka-band would be limited,[5] and expresses confidence that its "architecture ensures the [Audacy] Network is capable of deconflicting and eliminating in-line interference events with other satellite networks, present and future."[6] But nowhere does Audacy address how, absent coordination, it proposes to address in-line interference.

It may be Audacy envisions that NGSO systems would divide spectrum during in-line events, as contemplated by the Commission's avoidance angle, default sharing rules,[7] which are under review in the *NGSO NPRM*. As demonstrated by Telesat in its comments on the *NGSO NPRM*, however, these mechanisms are unworkable.[8] No single avoidance angle will address in-line interference events. For any specific

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[3] Telesat is filing this Petition to Deny to preserve its rights. Telesat recognizes that the Commission is still developing rules to address constellations of NGSO-like satellites and has stated that applicants will be given an opportunity to amend their filings to conform to the new requirements. *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters,* Notice of Proposed Rulemaking, *31 FCC Rcd 13651 (2016)* ("*NGSO NPRM*"). Telesat also recognizes that if Audacy's Application is granted before the Commission's rulemaking is completed, the Application likely will be conditioned on the outcome of the rulemaking, as was done with OneWeb's application. *See WorldVu Satellites Limited, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System,* IBFS File No. SAT-LOI-20160428-00041 (rel. June 23, 2017) ("*OneWeb Grant*"), at ¶¶ 12 and 26. If the rules the Commission adopts or a future Audacy amendment resolve Telesat's interference concerns, it will withdraw its objection.

[4] Audacy Application Narrative, at 58.

[5] *Id.* at 24.

[6] Id. at 47.

[7] *See* 47 C.F.R. § 25.261(c).

[8] *See Comments of Telesat Canada*, *NGSO NPRM*, at 6-15 (Feb. 27, 2017); *Reply Comments of Telesat Canada*, *NGSO NPRM,* at 4-12.

interference level, there will be a wide variety of angles that vary based on the ever-changing relative positions of satellites and ground terminals. If and to the extent that Audacy intends to rely on these default procedures, therefore, would expose Telesat's operations to harmful interference.

Audacy's Application is equally silent on the subject of ITU priority. Audacy points to certain 2016 ITU Advanced Publication filings for certain of the frequency bands for which it seeks license and states that it will submit information to the Commission as necessary for additional ITU filings for additional frequency bands.[9] But Audacy offers no recognition that the Canadian ITU filings that are associated with Telesat's NGSO system have date priority over the referenced 2016 and any later ITU filings that may be associated with Audacy's system.[10]

In granting OneWeb's NGSO application, the Commission recognized that "[c]ompliance with ITU coordination procedures is a requirement of the ITU Radio Regulations, which hold the force of treaty to which the United States is a party," and that "[s]uch compliance is a typical condition of both U.S. space station licenses and grants of U.S. market access."[11] Based on this requirement, and in response to concerns raised by Telesat, the Commission conditioned the grant of OneWeb's NGSO

[9] *See* Audacy Application Narrative at 7-8. Audacy identifies the particular ITU filings associated with its network as BR/IFIC 2822 and BR/IFIC 2830, which Audacy states were published on June 21, 2016 and October 11, 2016, respectively. *Id*. at n.11.
[10] *See* COMMSTELLATION network published as CR/C/3313 and CR/C/3313 MOD-2, and CANPOL-2 network published as CR/C/3474 MOD-1.
[11] *OneWeb Grant*, n. 35.

application on compliance with ITU requirements.[12] The same considerations apply here, and so the same condition should apply to any grant of Audacy's Application.

In view of the potential for Audacy's system to interfere with Telesat's NGSO operations, Audacy's Application should not be granted in its present form. At a minimum, any grant should be conditioned on the outcome of the NGSO rulemaking, as the Commission did in granting OneWeb's NGSO application.[13] Finally, in recognition of U.S. treaty obligations, any grant should be conditioned on compliance with ITU requirements.

Respectfully submitted,

TELESAT CANADA

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June 26, 2017

[12] *OneWeb Grant*, ¶ 23(a).
[13] *OneWeb Grant*, ¶¶ 12 and 26.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2017, a copy of the foregoing Petition to Deny was sent by electronic mail to the following:

Timothy Bransford
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/s/
Katia Carty