

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

In the Matter of)
)
WorldVu Satellites Limited) File No. SAT-LOI-20160428-00041
)
Petition for Declaratory Ruling)
Granting Access to the U.S. Market)
for the OneWeb System)
)

REPLY OF TELESAT CANADA

In the above-referenced Petition for Declaratory Ruling (“Petition”), WorldVu Satellites Limited, doing business as OneWeb (“OneWeb”), seeks access to the U.S. market for OneWeb’s planned low earth orbit (“LEO”), non-geostationary satellite orbit (“NGSO”) satellite system. Telesat Canada (“Telesat”) filed a Petition to Deny OneWeb’s Petition,¹ Telesat being one of a number of parties either to petition to deny or to file comments with respect to OneWeb’s Petition.²

¹ Petition to Deny of Telesat, File No. SAT-LOI-20160428-00041 (filed Aug. 15, 2016) (“Telesat’s Petition”).
² See Petition to Deny of The MVDDS 5G Coalition, File No. SAT-LOI-20160428-00041 (filed Aug. 15, 2016); Comments of The Boeing Company (“Boeing”), File No. SAT-LOI-20160428-00041 (filed Aug. 15, 2016); Comments of The National Radio Astronomy Observatory, File No. SAT-LOI-20160428-00041 (filed July 24, 2016); Comments of SES S.A. and O3b Limited, File No. SAT-LOI-20160428-00041 (filed Aug. 15, 2016); Comments of Space Exploration Technologies Corp. (“SpaceX”), File No. SAT-LOI-20160428-00041 (filed Aug. 15, 2016); Comments of the State of Alaska, File No. SAT-LOI-20160428-00041 (filed Aug. 9, 2016); and Comments of ViaSat, Inc., File No. SAT-LOI-20160428-00041 (filed Aug. 15, 2016).

OneWeb filed a consolidated Opposition and Response to these petitions and comments, which included an opposition to Telesat's Petition.³ Telesat hereby replies to OneWeb's Opposition insofar as it addresses Telesat's Petition.

Summarizing the relevant points of Telesat's Petition:

1. OneWeb's NGSO system would interfere with Telesat's planned NGSO operations;
2. Telesat's system has higher ITU priority than that of OneWeb; and
3. Any grant of OneWeb's Petition should take into account OneWeb's responsibilities as the proponent of a lower-priority system to coordinate with Telesat and avoid causing harmful interference to Telesat's system.

OneWeb does not dispute Telesat's first point that there is a potential for it to cause harmful interference to Telesat's system,⁴ and its Opposition reflects agreement with Telesat on the second and third of these points: OneWeb acknowledges it has lower ITU priority filings than Telesat⁵ and states it is willing to have this taken into account in any grant of its Petition.⁶

In terms of how OneWeb's lower ITU priority might be taken into account, OneWeb quotes with approval the following language from a recent Commission order: "The FCC explained that 'it will license satellites at orbital locations at which another Administration has ITU priority' and impose a condition requiring compliance with international coordination. If coordination is not obtained and operation of both

³ Opposition and Reply of OneWeb, File No. SAT-LOI-20160428-00041 (filed Aug. 25, 2016) ("OneWeb's Opposition").

⁴ OneWeb asserts it will be able to resolve this interference issue through coordination with Telesat. *See* OneWeb's Opposition at 22. OneWeb does not explain, however, how it believes that coordination could be achieved.

⁵ *Id* at 22.

⁶ *Id* at 20-23.

systems creates risk of harmful interference to the system with ITU priority, 'a U.S.-licensed satellite making use of an ITU filing with a later protection date would be required to cease service to the U.S. market immediately upon launch and operation of a non-U.S.-licensed satellite with an earlier protection date.' "⁷ A condition along these lines, or a rule along these lines developed in the Commission's NGSO rulemaking, would be appropriate and acceptable to Telesat.

It would be premature, however, to authorize OneWeb to serve the United States, even on a conditional basis. The other parties to this proceeding have raised numerous concerns,⁸ the Commission has yet to develop rules for processing applications for large constellations of NGSO-like satellites, and there is an ongoing processing round that is likely to result in other NGSO applications being filed. At the

⁷ *Id.* at 21, quoting *Amendment of the Commission's Space Station Licensing Rules and Policies*, Second Order on Reconsideration, IB Docket No. 02-34, FCC 16-108, ¶ 32 (rel. Aug. 16, 2016) (footnotes omitted).

⁸ See note 2, *supra*.

end of these processes, should the Commission determine that OneWeb's Petition is grantable, there should either be a condition on the grant or a rule providing that OneWeb must avoid interference to systems with higher ITU priority with which OneWeb has not successfully coordinated. As discussed above, OneWeb has signified it is amenable to these terms.

Respectfully submitted,

TELESAT CANADA

/s/

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September 1, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2016, a copy of the foregoing Comments of Telesat was sent by first-class, United States mail to the following⁹:

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⁹ This proceeding has been classified as “permit but disclose” for ex parte purposes. Telesat is serving OneWeb and its counsel as a courtesy.