

JUSTIFICATION FOR EXCLUSION OF TREATMENT UNDER CSAT RULES

This application is submitted by PetroCom for use of the 4/6 GHz band to allow PetroCom to provide service to BP Americas, Inc. (“BP”), so that BP may communicate from one of its oil platforms in the Gulf of Mexico to BP’s headquarters in Houston, Texas.. It is not appropriate for this satellite earth station to be processed pursuant to the provisions of Section 25.115(c)(2) of the FCC’s rules, which govern blanket licensing for so-called “CSATs.” First, it is plain from the FCC’s decision establishing CSAT licensing that such an option is designed for the convenience of the satellite licensee. As the FCC’s decision adopting section 25.115(c)(2) states, the new regulations are designed “to give operators the *option* of obtaining licenses for a limited class of small aperture terminal earth station networks in the C-band (CSAT), under a single authorization” [emphasis added]. Therefore, if a licensee does not desire the flexibility that CSAT licensing provides, the blanket licensing scheme should not be imposed on it. Second, CSAT authorization limits licensees to 20 MHz of uplink and downlink spectrum. This limitation is inappropriate for PetroCom. It has leased from SES Americom greater than 20 MHz of capacity to support its operations. Therefore, if PetroCom is restricted to only 20 MHz of spectrum, it will undermine the commercial arrangements into which it has already entered with SES Americom. Those commercial arrangements, which provide PetroCom with access to greater than 20 MHz of C-band spectrum, are critical to permit PetroCom to offer services to BP. The flexibility sought by the applications allows PetroCom to use alternative spectrum to provide critical communications capacity in the event that its usual satellite capacity becomes unavailable. Finally, the 20 MHz limitation on CSAT licenses is a *quid pro quo* for the flexibility and scope provided in securing such an authorization. That is, the Commission’s rules permit the benefit of a blanket license, but only if such a license does not preclude others from using C-band spectrum in the area covered by the CSAT license. In this instance, PetroCom’s request to use the spectrum specified in its applications will not cause a spectrum shortage of C-band spectrum. Because each earth station is subject to coordination, PetroCom only requires protection where its station is located. More importantly, this station is in the middle of the Gulf of Mexico. The FCC need not be concerned with PetroCom’s potential creation of spectrum shortages in such a remote location. Based on the foregoing, there is no reason for the FCC to treat this application as part of a CSAT network.