

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

In the Matter of)	
)	
MEDIA NETWORKS SERVICES USA INC.)	File No. SES-LIC-20130219-00188
)	
Application for Earth Station License)	

O3b LIMITED
PETITION TO HOLD IN ABEYANCE PENDING CLARIFICATION

O3b Limited (“O3b”) hereby petitions the Commission to hold in abeyance the portions of the above-captioned application (“Application”) filed by Media Networks Services USA Inc. (“Media Networks”) relating to the 18.8-19.3 GHz, 28.1-28.35 GHz and the 28.6-29.25 GHz bands, pending clarification of certain matters.

INTEREST OF O3b LIMITED

O3b is an interested party in this proceeding. Later this year, O3b will launch a U.K.-authorized non-geostationary satellite orbit (“NGSO”) fixed satellite service (“FSS”) system using Ka-band frequencies that will overlap with those requested by Media Networks. Specifically, the overlapping frequencies are the 18.3-18.6 GHz, 18.8-19.3 GHz, 28.1-28.4 GHz, and 28.6-29.1 GHz bands. The Commission has already authorized O3b to operate a gateway earth station in Haleiwa, Hawaii, that will use

these frequencies,¹ and it has accepted for filing an application by O3b to operate a second gateway earth station in Vernon, Texas, that also will use these frequencies.²

CLARIFICATIONS REQUIRED

In its Application, Media Networks seeks a license for a transmit/receive satellite earth station that would communicate with U.S.-licensed satellites³ that are on the Ka-band Permitted Space Station List (“Ka-band Permitted List”)⁴ using the 18.3-20.2 GHz downlink and 28.1-30.0 GHz uplink bands.⁵ O3b notes the following:

1. ***Points of Communication for the 18.8-19.3 GHz, 28.1-28.35 GHz and 28.6-29.25 GHz Bands.*** The Application specifies, as the sole point of communication, “U.S.-licensed satellites” on the “Ka-band Permitted List.” That list, however, is only a valid “point of communication” for earth stations proposing to operate with authorized geostationary satellite orbit (“GSO”) satellites in the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30.0 GHz bands.⁶ Media Networks proposes to operate in other bands (18.8-19.3 GHz, the 28.1-28.35 GHz and 28.6-29.25 GHz), and the satellites with which Media Networks intends to communicate in these other bands are not clear. For instance, O3b is not aware of any U.S.-licensed GSO satellites authorized to operate in 29.1-29.25 GHz.
2. ***Non-Conforming Use of the 18.8-19.3 GHz Band.*** In the United States, the 18.8-19.3 GHz band is allocated exclusively to the NGSO FSS on a primary basis.⁷ As a result, to the extent Media Networks is seeking authority to communicate with GSO satellites in this band, it must request a waiver of the U.S. Table of Frequency Allocations to allow reception on a non-conforming basis, *i.e.* on a non-protected, non-harmful interference basis relative to the primary NGSO FSS in the band. In the alternative, Media Networks could specify as a point of communication a GSO satellite (such as ViaSat-1 or EchoStar XVII) that has

¹ See FCC File No. SES-LIC-20100723-00952 (granted September 25, 2012).

² See FCC File No. SES-LIC-20130124-00089.

³ Application, Form 312, Main Form, at Questions 22, 42a and 43.

⁴ Application, Form 312, Schedule B, at Question E21.

⁵ *Id.* at Questions E43-E50.

⁶ *In the Matter of 2006 Biennial Review – Revision of Part 25; Establishment of a Permitted List Procedure for Ka-band Space Stations*, 25 FCC Rcd 1542, 1542 ¶1 n.1, 1549 ¶¶15-16 (2010).

⁷ See 47 C.F.R. § 2.106, footnote NG165.

already been granted a waiver by the Commission to operate in this band on a non-conforming basis, and confirm that Media Networks will abide by the conditions in the space station authorization relating to those frequencies.

3. ***Secondary Use of the 28.6-29.1 GHz Band.*** The 28.6-29.1 GHz band is allocated to the NGSO FSS on a primary basis and to the GSO FSS on a secondary basis only.⁸ To operate on a secondary basis in the band, a GSO FSS applicant must “submit to the Commission a technical demonstration that it can operate on a non-harmful interference basis,” and the technical demonstration “will be subject to public comment before ... [the Commission will] authorize any secondary operations.”⁹ Media Networks has not, however, made a showing that its proposed secondary operations will not interfere with or require protection from primary NGSO FSS users.

For these reasons, the portions of Media Networks’ Application relating to the 18.8-19.3 GHz, 28.1-28.35 GHz and 28.6-29.25 GHz bands should be held in abeyance until such time that Media Networks (a) clarifies the satellites with which it intends to communicate in these bands, (b) requests all necessary waivers for non-conforming operations, and (c) provides all necessary demonstrations that primary services will be protected by its proposed secondary or non-conforming operations.

O3b does not object to the portions of the Application requesting authority to communicate with U.S.-licensed GSO satellites on the Ka-band Permitted List in the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30.0 GHz bands.

⁸ *In the Matter of Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services*, 11 FCC Rcd 19005, 19039, ¶59 (1996).

⁹ *In the Matter of Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services*, 12 FCC Rcd 22310, 22326 , ¶39 (1997).

Respectfully submitted,

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April 19, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **O3b LIMITED PETITION TO HOLD IN ABEYANCE PENDING CLARIFICATION** was sent by first class mail, postage prepaid, this 19th day of April, 2013, to each of the following:

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