

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Application of United Teleports Inc. for a)
License to Operate a Fixed Gateway Earth) Call Sign:
Station in the 12.75-13.25 GHz (Earth-to-)
Space) Frequency Band with a Non-U.S.) File No.:
Licensed Satellite)

APPLICATION FOR EARTH STATION LICENSE

By this application, United Teleports Inc. (“United Teleports”) respectfully seeks authority to operate a 7 meter gateway earth station – the Scientific-Atlanta (ViaSat) Model 8010 (the “SA-7m gateway”) – at its teleport facility in Port St. Lucie, Florida (geographic coordinates: 27° 16’ 56.5” N, 80° 28’ 58.6” W) to communicate with the Eutelsat 65 West A (“E65WA”) satellite, a non-U.S. licensed geostationary satellite orbit (“GSO”) fixed-satellite service (“FSS”) satellite located at the nominal 65° W.L. orbital location,¹ in the International Telecommunications Union (“ITU”) Appendix 30B Ku-band uplink frequencies at 12.75-13.25 GHz. In addition, because the E65WA satellite has not been previously authorized to serve the United States, this application also requests that the Commission affords the E65WA satellite U.S. market access to enable the operations proposed herein.

¹ While nominally located at 65° W.L., the E65WA satellite currently is located physically at 65.2° W.L. The attached FCC Form 312, Schedule B, Schedule S and associated technical information reflect the physical location of the satellite. Should the orbit location of the satellite be adjusted as a result of coordination or other factors, United Teleports will seek appropriate Commission authority to communicate with the E65WA satellite at such new location.

United Teleports will use the gateway to support FSS video distribution service to users in the Caribbean and South America. As discussed herein, grant of the requested authority is consistent with Commission rules and precedent, and will serve the public interest by allowing United Teleports to provide communication services using the E65WA satellite to respond to customer demand for gateway uplink capacity. United Teleports seeks to commence operations as soon as practicable and anticipates submitting a request for Special Temporary Authority (“STA”) for near-term operations during the pendency of this earth station license application.

I. BACKGROUND

United Teleports currently works with another FCC earth station licensee, DNET Group, Inc., to provide video distribution services and other gateway earth station services in the United States.² United Teleports also has a pending earth station license application with the Commission to operate a gateway earth station in the conventional Ku-band with Permitted List satellites.³

In the instant application, United Teleports seeks an earth station license to operate the SA-7m gateway – an earth station model that has been previously licensed by the Commission for similar gateway operations⁴ – with the E65WA satellite in the ITU Appendix 30B Ku-band frequencies at 12.75-13.25 GHz to support United Teleports’ international services in the Caribbean and South America. The E65WA satellite, based

² See DNET Group, Inc., File No. SES-MFS-20140314-00140 (Call Sign E120231).

³ See United Teleports, File No. SES-LIC-20160427-00386 (Call Sign E160072).

⁴ See, e.g., Mobile Satellite Communications, Inc., File No. SES-MOD-20080507-00560 (Call Sign E070095); BFI Licenses, LLC, File No. SES-LIC-20020724-01184 (Call Sign E020201).

on the 1300-series spacecraft model manufactured by Space Systems Loral⁵ and operated by Eutelsat do Brasil LTDA, was launched in early 2016 and is capable of providing a wide range of FSS and DTH services using the C-, Ka- and Ku-bands.⁶

As the Commission is aware, Appendix 30B was adopted by the ITU's World Administrative Radio Conference ("WARC") to regulate the use of and ensure equitable access to GSO FSS spectrum in the covered frequency bands. Although the ITU Appendix 30B Ku-band includes both uplink and downlink frequencies, United Teleports presently only seeks to access the E65WA satellite in the uplink band at 12.75-13.25 GHz. In the interest of completeness, however, United Teleports has provided certain technical information on the ITU Appendix 30B downlink beams in the 10.7-10.95 GHz and 11.20-11.45 GHz bands. The companion Technical Appendix, FCC Form 312, Schedule B and Schedule S contain relevant information relating to the proposed operations, including antenna and satellite technical parameters and performance information, a radiation hazard analysis and frequency coordination information.

II. DISCUSSION

A. Proposed Use of 12.75-13.25 GHz Uplink Band

The United States Table of Frequency Allocations ("Table of Allocations"), Section 2.106 of the Commission's Rules, 47 C.F.R. § 2.106, identifies conditions for

⁵ The Commission has authorized operation of the Space System Loral 1300-series spacecraft on numerous occasions. *See, e.g.*, DISH Operating LLC, File No. SAT-LOA-20090518-00053 (Call Sign S2790); EchoStar Satellite Operating Corporation, File No. SAT-LOA-20100310-00043 (Call Sign S2811); EchoStar Satellite Operating Corporation, File No. SAT-LOA-20110902-00172 (Call Sign S2844); DISH Operating LLC, File No: SAT-LOA-20141002-00105 (Call Sign S2931).

⁶ The satellite also has an experimental Q/V-band payload for testing the bands for use in new terabit-class, high throughput satellite programs.

spectrum use by FSS in the 12.75-13.25 GHz band. The Table of Allocations provides that the 12.75-13.25 GHz band is shared on a co-primary basis with terrestrial fixed service (“FS”) and FSS operations. In addition, the Table of Allocations requires that GSO FSS operations in the 12.75-13.25 GHz band comply with the provisions of ITU Appendix 30B, and be limited to international systems, *i.e.*, other than U.S. domestic services.⁷

United Teleports’ proposed operations of the SA-7m gateway in the 12.75-13.25 GHz band are consistent with the Table of Allocations and similarly approved GSO FSS earth stations in the United States operating in ITU Appendix 30B frequency bands. United Teleports confirms that its proposed operations of the SA-7m gateway in the 12.75-13.25 GHz band will be limited to international systems – the gateway will support United Teleports’ clients in the Caribbean and South America providing FSS and DTH services to customers. Additionally, the Technical Appendix and Schedule S confirm the technical parameters under which United Teleport will operate the SA-7m gateway with the E65WA satellite, which are compliant with the Commission’s rules and the provisions of ITU Appendix 30B.⁸ Because United Teleports does not seek Commission authority for downlink operations, this application is limited to the 12.75-13.25 GHz uplink band.

There is extensive Commission precedent for United Teleports’ proposed operations. The Commission has previously authorized gateway earth stations located in the United States to operate with both U.S.-licensed and non-U.S. licensed satellites in the

⁷ See United States Table of Frequency Allocations, 47 C.F.R. § 2.106, footnote NG52.

⁸ *Id.* footnote 5.441.

ITU Appendix 30B uplink and downlink bands.⁹ In the instant application, United Teleports' proposed operations are more limited in scope because it only intends to operate the SA-7m gateway earth station in the 12.75-13.25 GHz band and does not seek to conduct earth station receive operations at the facility. Additionally, United Teleports does not seek any waivers of the Table of Allocations and will limit its operations in the 12.75-13.25 GHz band to support international operations. In the attached Technical Appendix, FCC Form 312, Schedule B and Schedule S, United Teleports has provided the Commission with the required technical qualifications in compliance with Section 25.137 of the Commission's Rules, 47 C.F.R. § 25.137, and demonstrates that it will operate the SA-7m gateway with the E65WA satellite consistent with Commission precedent.

This uplink frequency band is shared on a co-primary basis with terrestrial systems and coordination with FS licensees is required. Accordingly, United Teleports has worked with Comsearch to coordinate the proposed operations. The resulting interference assessment revealed a limited potential for concern and Comsearch has forwarded the attached Frequency Coordination Notice to a small number of potentially affected parties.¹⁰ No objection to the proposed operations have been received to date and the local Society of Broadcast Engineers ("SBE") coordinator has confirmed that United Teleports' proposed operations would not cause any harmful interference to SBE-

⁹ See, e.g., Intelsat License LLC, File No. SES-MFS-20131111-00952 (Call Sign E000063) (authorizing a gateway earth station to communicate with certain Canadian-licensed satellites in the 12750-13250 GHz band); Intelsat License LLC, File No. SES-LIC-20141124-00872 (Call Sign E140121) (granting an earth station license to operate two gateway earth stations with the IS-29E satellite in the 12.875-13.25 GHz band).

¹⁰ See Technical Appendix, IV.

covered licensees. United Teleports will update the record of this application proceeding as soon as possible to confirm that no objections have been received regarding the proposed operations.

The SA-7m gateway will operate within a fully enclosed courtyard at the Port St. Lucie, Florida, teleport facility and will be inaccessible to the general public. United Teleports anticipates that its operations will be fully compatible with all other co-primary FCC-licensed operations in these frequencies and will present no potential for interference into other users of the 12.75-13.25 GHz uplink band. United Teleports will provide the Commission with the final Comsearch frequency coordination report as soon as all licensee responses have been received. In the event that United Teleports learns that its operations are causing harmful interference to other lawfully operating co-primary operations, it will immediately suspend operations until such interference is resolved.

B. Eutelsat 65 West A Satellite

The E65WA satellite (ITU Satellite Network: B-SAT-3R-1) is nominally positioned at 65° W.L.¹¹ and is licensed by Brazil, a member of the World Trade Organization (“WTO”) for services covered under the WTO Basic Telecommunications Agreement. Because Brazil is a member country in the WTO, United Teleports is not

¹¹ The STAR ONE C1 satellite, operated by the Brazilian satellite operator Star One, is physically located at 65.0° W.L, 0.2° away from E65WA at 65.2° W.L. The E65WA and STAR ONE C1 satellites operate with sufficient station-keeping tolerance to eliminate the possibility of any volume overlap. Additionally, there are no pending applications before the Commission requesting authorization to use an orbital location within $\pm 0.2^\circ$ of 65.2° W.L. and Eutelsat is not aware of any satellite with an overlapping station-keeping volume with the E65WA satellite that is the subject of an ITU filing and that is either in orbit or progressing towards launch. *See* Technical Appendix, I.8.

required to make the effective competitive opportunities showing set out in Section 25.137 of the Commission's Rules, 47 C.F.R. § 25.137.¹²

The Commission recently agreed with the Brazilian National Telecommunications Agency ("ANATEL") to include the United States in the service area of the E65WA satellite.¹³ United Teleports understands that the inclusion of the United States in the E65WA service area does not guarantee U.S. market access and that United Teleports must submit this earth station license application to access the E65WA satellite from within the United States.

Pursuant to Section 25.137(d) of the Commission's Rules, 47 C.F.R. § 25.137(d), United Teleports demonstrates in the submitted attachments that the E65WA satellite has complied with all applicable Commission requirements for non-U.S. licensed satellites to operate in the United States. United Teleports acknowledges that the E65WA satellite has not previously been authorized by the Commission to serve the United States and this application is therefore considered a request for U.S. market access for the E65WA satellite. Accordingly, United Teleports provides the attached Technical Appendix and Schedule S for required information relating to the technical and operational characteristics of the E65WA satellite. United Teleports notes that because the E65WA

¹² See 47 C.F.R. § 25.137(a)(2); see also *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, Report and Order, IB Docket No. 96-111, 12 FCC Rcd 24094, ¶ 39 (1997) ("We adopt our proposal to apply a presumption in favor of entry in considering applications to access non-U.S. satellites licensed by WTO members to provide services covered by the U.S. commitments under the WTO Basic Telecom Agreement."); *Id.*, ¶ 64 ("[W]e will not evaluate the effective competitive opportunities in the route market for non-U.S. satellites licensed by a WTO Member providing WTO covered services. Thus, we will not perform an ECO-Sat test on any route, whether a WTO route market or a non-WTO route market.").

¹³ See Technical Appendix, III.

satellite is in orbit and currently operating, the Commission's requirements relating to the posting of bond, milestones and reporting are not applicable.¹⁴

C. Public Interest

Grant of this application would serve the public interest because it would allow United Teleports to provide new communication services and demonstrate the effectiveness of U.S. gateway support for international markets and services. Effectively granting U.S. market access for the E65WA satellite in this limited context would enhance competition in the satellite service marketplace and would enable United Teleports to respond to customer demand using new FSS capacity for international video distribution services, thereby enhancing the U.S. service provider and U.S. content presence in the international market. All of these benefits will accrue consistent with Commission rules and policies regarding U.S. earth station access to the 12.75-13.25 GHz band.

III. CONCLUSION

In view of the foregoing, United Teleports respectfully requests that the Commission grant, at the earliest practicable time, this application to operate the SA-7m gateway earth station at the Port St. Lucie, Florida teleport using the ITU Appendix 30B Ku-band uplink frequencies at 12.75-13.25 GHz to communicate with the E65WA satellite.

¹⁴ 47 C.F.R. § 25.137(d)(4); *see also* 47 C.F.R. § 25.164(a) & § 25.165(d).