

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	Call Sign: E180019
)	
ABS Global Ltd.)	File No.: SES-LIC-20180213-00118

REQUEST FOR EXTENSION OF TIME

ABS Global Ltd. (“ABS”), pursuant to Section 25.133(a)(1) of the Commission’s Rules,¹ hereby requests an extension of the time within which to construct the fixed earth station licensed by the Commission pursuant to the above-referenced authorization. As explained below, good cause exists for the Commission to grant this extension.

Background

ABS is a global provider of fixed-satellite services. It operates a fleet of six communications satellites serving most regions of the world, including Asia, Europe, and the Americas. One of the ABS satellites, ABS-3A, is capable of serving a portion of the continental United States, and ABS is strongly interested in marketing this satellite’s US capacity to ABS’s global customer base. In furtherance of that objective, ABS applied for the placement of ABS-3A on the Commission’s “Permitted List” of non-US licensed satellites authorized to serve the United States. ABS-3A was placed on the Permitted List in April 2017, thereby allowing this satellite to communicate with US points.²

¹ 47 C.F.R. §133(a)(1).

² Policy Branch Information Actions Taken, Public Notice, Report No. SAT-01234, IBFS File No. SATPDR-20161130-00124, DA No. 17-401 (Int’l Bur., rel. Apr. 28, 2017).

With ABS-3A able to communicate with US points, the next step for ABS was to establish a location for an earth station in the United States that could be used by its customers to communicate with its satellite in both C and Ku frequency bands. ABS found an appropriate location in Hudson, New York, and worked with local authorities there for several months to secure necessary zoning and other permissions. It then applied to the FCC for an earth station license for the Hudson facility. This license (the “Earth Station License”) was granted on March 29, 2018.³

Good Cause Exists to Extend the Construction Deadline in the Earth Station License

The Earth Station License requires that construction of the earth station be completed, and operations from the earth station commence, by March 29, 2019 (the “Construction Deadline”). However, for reasons relating largely to the FCC’s ongoing proceeding in GN Docket No. 18-122,⁴ ABS will not be able to meet the Construction Deadline.

The Commission’s NPRM in GN Docket No. 18-122 has created substantial uncertainty, for ABS and others authorized to provide C-band satellite services to and from the United States, about whether and under what conditions they will be able to provide these services. The Commission could decide, in the currently pending proceeding, to allocate for terrestrial use a substantial portion (as much as 200-300 MHz) of the lower C-band frequencies that are today allocated and extensively used for satellite services. The conditions under which this spectrum may be taken away from C-band satellite operators, and the timing of any such spectrum repurposing, would obviously have a direct impact on the extent to which users of satellite

³ ABS Global Ltd., Application for Earth Station Authorizations, Call Sign E180019, IBFS File No. SESLIC-20180213-00118 (granted Mar. 29, 2018).

⁴ See Expanding Flexible Use of the 3.7 to 4.2 GHz Band et al., Order and Notice of Proposed Rulemaking, GN Docket Nos. 18-122 & 17-183, RM-11791, RM-11778, FCC 18-91 (rel. July 13, 2018) (“NPRM”).

services in the United States – ABS’s potential customers – are able and willing to make their own investments in C-band networks. As further explained to the Commission by a group of small satellite operators (of which ABS is a part):

In the years preceding the Commission’s proposal to repurpose the C-band for terrestrial flexible use, ABS Global Ltd. . . . , Hispasat S.A. . . . , and Embratel Star One S.A. . . . (collectively, the “Small Satellite Operators” or “SSOs”) invested substantial capital to construct, launch, and operate space stations with C-band transponders covering the United States. As a result of their efforts, additional satellites stand ready to deliver advanced video, data, internet access and media services across the country. After these companies gained Commission authorization to serve the U.S. market, however, the Commission’s C-band proposal froze efforts to sell capacity— leaving an enormous C-band investment effectively stranded in orbit. With years of economic life remaining in their fleet, the SSOs now confront the prospect of a permanent band-clearing that would significantly diminish the value of their existing C-band assets.⁵

Without greater certainty about the regulatory framework within which ABS will be able to provide US C-band services, ABS is not in a position to invest the substantial sums that would be required to build out C-band ground facilities, starting with the Hudson earth station. Having made the investment in space-based infrastructure, ABS is eager to move ahead with the necessary ground-based infrastructure. But it would not be prudent as a business matter for ABS to proceed now with US earth stations, because the extent to which the C-band on ABS-3A will be useful to ABS customers is unclear at this time.

The current uncertainty about the amount of C-band spectrum that the FCC will ultimately allocate to terrestrial wireless services, *i.e.*, the amount of spectrum that will be reallocated away from satellite operators, means that there is substantial uncertainty about how best to design the C-band (and Ku-band) earth station that ABS would like to build in New York state. Among the earth station design considerations that could be affected by the Commission’s C-band spectrum decision are the following:

⁵ SSO Comments on NPRM at 1.

- a) The power and configuration of the RF equipment that ABS had initially planned to install may change, including the antenna diameter;
- b) Depending on the amount of C-band bandwidth assigned to wireless services, the earth station design may have to be modified in order to mitigate the expected interference from wireless networks operating in this frequency band; and
- c) The terrestrial connectivity, *e.g.*, fiber, requirements may change depending on the amount of C-band capacity ABS would ultimately have available to sell.

It is true that ABS could proceed with the design and construction of a Ku-band earth station now at the Hudson, New York, site. However, from both a cost and scheduling perspective, it would not be efficient to proceed in this manner. The only efficient solution is for ABS to simultaneously build out both the C- and Ku-band earth station antennas in Hudson, rather than constructing each earth station antenna separately.

It is important to keep in perspective the timeframe within which ABS hopes to provide US satellite services in C-band. As previously explained to the Commission,⁶ ABS-3A is an all-electric propulsion satellite, giving it much longer life than a conventional communications satellite. The planned end-of-life of ABS-3A is 2042, over 23 years from now. In this context, the extension of time requested here – an extension that might help to ensure satellite service in the United States from this satellite for decades to come – seems trivial.

ABS therefore believes that it would be appropriate for the FCC to grant an extension of the Construction Deadline until one year after the Commission resolves all C-band spectrum repurposing issues in GN Docket No. 18-122. Alternatively, if the Commission believes that a

⁶ *Id.* at 4.

precise date for the Construction Deadline is needed, ABS suggests that it be granted a one-year extension, until March 29, 2020.

CONCLUSION

For the foregoing reasons, ABS respectfully requests an extension of the Construction Deadline set forth in the above-referenced Earth Station License until one year after the Commission resolves all C-band spectrum repurposing issues in GN Docket No. 18-122, or alternatively, until March 29, 2020.

Respectfully submitted,

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March 7, 2019