

August 21, 2020

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Attention: International Bureau

Re: Form 312 Application for New Satellite Earth Station

Dear Ms. Dortch:

GlobeCast America, Incorporated (“Globecast”), pursuant to Sections 25.110(b)(1) and 25.115(a)(1) of the Commission’s Rules,¹ is submitting with this letter an application on Form 312 for new transmitting earth station. Globecast respectfully requests that the Commission assign call sign E881143 to the new station.

This application is intended to cover the facilities previously licensed under call sign E881143 (the “Station”), whose license inadvertently was allowed to expire.² As Globecast reported in its STA application filed on August 12, 2020, Globecast was unaware until the beginning of August that the license for the Station had expired and that it had continued to operate the Stations since the expiration of their authorizations. Globecast only became aware of the expiration of the license for E881143 upon the release of the International Bureau’s *Public Notice, “International Bureau Releases List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States,”* DA 20-823, released August 3, 2020 (the “Final Incumbent List Notice”). Although the Station had been listed on the Bureau’s Preliminary Incumbent Earth Station List,³ it was not on the Final Incumbent List Notice. While investigating why this was the case, Globecast discovered the error involving the

¹ 47 C.F.R. §§ 25.110(b)(1) and 25.115(a)(1).

² In the alternative, Globecast would request waiver of Section 25.163(a) and treatment of this application as a reinstatement of the Station’s license, E881143. As set forth in greater detail in this letter, Globecast inadvertently allowed the license for the Station to expire. Given the regulatory uncertainty that has affected the C-band in recent months, the underlying purposes of the rule would not be served by denying reinstatement. The Station’s transmitter site has remained under continuous protection during this time frame. All previously licensed parameters will remain unchanged. For the reasons set forth herein, in the alternative to grant of a new station license, good cause exists for waiver of Section 25.163(a) and reinstatement of the license. Nevertheless, if the International Bureau determines not to grant the waiver request, it can proceed immediately to grant the application for new facilities. *Cf. In re Bank of America*, 24 FCC Rcd 12583 (Intl. Bur. 2009) (although waiver denied, dismissal was without prejudice to filing for new license).

³ See *Public Notice, International Bureau Releases Preliminary List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, DA 20-703, 2020 WL 3867168 (July 6, 2020) (Preliminary Incumbent Earth Station List Public Notice).

renewal of the authorizations. Globecast then promptly filed an application for STA for the Station.⁴

This is a time of great uncertainty for C-band earth station operators. Globecast had been focused on the C-band rulemaking and transition process in Gen. Docket No. 18-122. Globecast was operating under the mistaken belief that the certifications that it made pursuant to the NPRM in the C-band proceeding⁵ constituted all necessary to keep the licenses in good standing. The NPRM provided that: “We specifically propose that an earth station registered in IBFS be automatically terminated unless the registrant timely files the certification required by the Order (to the extent they were licensed or registered before April 19, 2018).”⁶ Globecast assumed that all was therefore in order because it made the certifications required by the NPRM.

As noted, all of Globecast’s authorizations, including that for the Station, had been previously listed on the Bureau’s Preliminary Incumbent Earth Station List. During the Commission’s ongoing C-band proceeding, Globecast had certified as active in May 2019 the Station’s facilities, along with all its other authorized facilities. Globecast participated in the C-band proceeding, including the filing of comments.⁷ Heretofore, Globecast has been diligent in its compliance with the rules, including carefully coordinating its satellite uplink authorizations as required by the Commission’s Rules. See 47 C.F.R. § 25.277. Only when the Bureau released its updated list on August 3, 2020, after reviewing the Public Notice and trying to determine why the Stations were not listed in the Public Notice, did Globecast realize that it had overlooked filing the renewal applications and that the licenses for the Stations had expired on June 4, 2020 and that it had continued to provide service to its customers past that date.

When Globecast realized what had happened, it engaged Comsearch and legal counsel to assist in preparation of the STA and this application for the Station. As set forth in the attached application, the Station’s facilities remain frequency coordinated and protected.

As also reported in the STA filing, Globecast unknowingly continued to provide satellite uplink service to its customers after June 4th. To avoid any such issues involving its licenses and the Commission’s rules and regulations in the future, Globecast is taking corrective measures regarding monitoring of regulatory obligations like license renewal dates since learning and is preparing a compliance plan to that effect. It will amend the application to outline the compliance plan as soon as possible to outline its plan.

Meanwhile, Globecast asks that the Commission process and grant this application. The public interest will be served by a grant of this application, which will allow for continued service to Globecast’s C-band clients.

If you have any questions concerning the technical portion of this Form 312 application, please contact Globecast’s consulting engineer, Gary Edwards at Comsearch. He can be reached at

⁴ See File No. SES-STA-20200812-00865

⁵ *Order and Notice of Proposed Rulemaking in GN Docket 18-122*, 33 FCC Rcd 6915 (2018) (“NPRM”).

⁶ *Id.*, at 6928 (¶ 34).

⁷ See, e.g., *Expanding Flexible Use of the 3.7 to 4.2 GHz Band (Report and Order and Order of Proposed Modification)*, 35 FCC Rcd 2343, 2369, n. 56 (2020).

+1- 703 200-7136 or gedwards@comsearch.com). You can contact me at +1-202-871-3772 or stephen.diaz.gavin@rimonlaw.com.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen Diaz Gavin", enclosed in a light gray rectangular box.

Stephen Díaz Gavin
Counsel to Globecast America, Incorporated

Attachments