

**MODIFICATION TO EARTH STATIONS KB27 AND E930289**

SES Americom, Inc. (“SES Americom”) hereby seeks correction of the license conditions for its KB27 and E930289 earth stations to specify primary status in the 3625-3650 MHz band.<sup>1</sup>

Primary status was requested for this band segment in modification applications filed last year for these two earth stations. *See* File Nos. SES-MFS-20140127-00027 (the “KB27 Modification”), granted June 16, 2014, and SES-MFS-20140114-00021 (the “E930289 Modification”), granted July 18, 2014. Specifically, an exhibit to each of these applications entitled “Frequency Bands” explained that in the 3625-3650 MHz band, SES Americom was seeking primary status consistent with the terms of the freeze issued in the Commission’s 2012 Notice of Proposed Rulemaking and Order in GN Docket No. 12-354.<sup>2</sup> That decision states that “license applications for new earth stations in the fixed-satellite service, which would receive on frequencies in the 3600-3650 MHz band on a primary basis, filed on or after December 12, 2012, shall not be accepted unless frequencies in this same band are currently licensed to an earth station within 10 miles of the requested coordinates.”<sup>3</sup> The Commission found that these terms would provide “reasonable opportunities to obtain suitable real estate for the placement of new FSS earth station facilities near the 37 grandfathered stations identified in Appendix A.”<sup>4</sup> As noted in the exhibits to the modification applications, both E930289 and KB27 are less than

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<sup>1</sup> Because SES Americom is not seeking any changes to the licenses’ technical parameters, a new Schedule B is not provided with this application.

<sup>2</sup> *See Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, FCC 12-148, Notice of Proposed Rulemaking and Order, GN Docket No. 12-354, 27 FCC Rcd 15594 (2012) (the “Small Cells Decision”).

<sup>3</sup> *Id.* at ¶ 168.

<sup>4</sup> *Id.* at ¶ 154.

10 miles from KA318, one of the grandfathered earth stations listed in the Appendix to the Small Cells Decision that is authorized to operate in the 3625-3650 MHz band.<sup>5</sup>

Notwithstanding this showing, the grant of the E930289 and KB27 modifications states that SES Americom will have secondary status throughout the 3625-3700 MHz spectrum. Specifically, each license includes condition 90135, which states that:

This license, which was filed after December 12, 2012, is granted, on a secondary basis, authorization to operate in the 3625-3700 MHz frequency band pursuant to FCC Order 12-148, para 168, in that this earth station is within 10 miles of a Grandfather earth station, call sign KA318. Protection of this station from interference is limited to the frequency coordinated agreements established for call sign KA318. Subsequent modification of this earth station that results in a change of location beyond a distance of 10 miles from the grandfather earth station will result in surrender of the 3625-3700 MHz portion of this authorization.

The above condition fails to reflect the requested primary status for the 3625-3650 MHz band. Moreover, it combines the 3625-3650 MHz band segment with the 3650-3700 MHz band segment. SES Americom requested secondary status for the 3650-3700 MHz band, consistent with the terms of a different earth station freeze implemented in 2000 in the 3650 MHz proceeding, which specified that any applications for new earth stations seeking to use the 3650-3700 MHz band after December 1, 2000 were only entitled to secondary status, regardless of their proximity to a grandfathered earth station.<sup>6</sup> Thus, although KA318 has grandfathered primary status in the 3650-3700 MHz band, in seeking modification of the

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<sup>5</sup> See *id.*, 27 FCC Rcd at 15647.

<sup>6</sup> See *Amendment of the Commission's Rules with Regard to the 3650-3700 MHz Government Transfer Band*, First Report and Order and Second Notice of Proposed Rulemaking, 15 FCC Rcd 20488 (2000) (the "3650 MHz Freeze Order") at 20501, ¶¶ 29-30 (after December 1, 2000, the Commission will continue to accept applications for additional earth stations in the 3650-3700 MHz band but only for authority on a secondary basis).

E930289 and KB27 licenses, SES recognized that those stations are only eligible for secondary status in that band segment, despite their proximity to KA318.

To accurately reflect this regulatory situation, SES Americom requests that the Commission correct condition 90135 to accord operations in the 3625-3650 MHz band primary status and remove the references to the 3650-3700 MHz band. For example, the Commission could adjust the condition language so that it would read as follows:

This license, which was filed after December 12, 2012, is granted, on a ~~secondary~~ **primary** basis, authorization to operate in the 3625-~~3650 3700~~ MHz frequency band pursuant to FCC Order 12-148, para 168, in that this earth station is within 10 miles of a Grandfathered earth station, call sign KA318. ~~Protection of this station from interference is limited to the frequency coordinated agreements established for call sign KA318.~~ Subsequent modification of this earth station that results in a change of location beyond a distance of 10 miles from the grandfathered earth station will result in surrender of the 3625-~~3650 3700~~ MHz portion of this authorization.

As discussed above, secondary status is appropriate for operations of the E930289 and KB27 earth stations in the 3650-3700 MHz band segment. Accordingly, the Commission may want to add to both licenses a separate condition addressing the 3650-3700 MHz band segment and specifying that SES Americom is authorized to operate in that band segment on a secondary basis pursuant to the terms of the 3650 MHz Freeze Order. For example, the Commission could add a condition stating that:

This license, which was filed after December 1, 2000, is granted, on a secondary basis, authorization to operate in the 3650-3700 MHz frequency band pursuant to FCC Order 00-363, para. 30.

These adjustments to the E930289 and KB27 licenses will serve the public interest by according SES Americom spectrum rights that are consistent with Commission policies.