

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

In the Matter of

Application of NewCom International, Inc.) Call Sign: E040267
to Modify its Fixed Earth Station License)
by Replacing an Existing Hub) File No. SES-MOD-_____

APPLICATION TO MODIFY FIXED EARTH STATION LICENSE

Pursuant to Section 25.117 of the rules of the Federal Communications Commission (the “FCC” or “Commission”), 47 C.F.R. § 25.117, NewCom International, Inc. (“NewCom”) files this application to modify its existing fixed earth station license, Call Sign E040267,¹ by replacing the currently-licensed 7.3-meter C-band earth station (“7.3m Hub”)² with a 7.6-meter version (the “7.6m Hub”) that will operate using the identical, previously authorized Equivalent Isotropically Radiated Power (“EIRP”) level. The substitution of the 7.6m Hub is part of an initiative to streamline ground station deployments. As discussed below, to the extent that a waiver may be necessary to process and grant this modification application, NewCom requests such waiver to ensure appropriate Commission authority for the operations proposed herein.

I. BACKGROUND

This proposed modification to replace the 7.3m Hub is needed to facilitate the reorganization of commercial C-band deployments and ground station operations by Speedcast Americas Inc. (“Speedcast”) (NewCom’s parent). The 7.6m Hub, which is currently licensed as

¹ See NewCom International Inc., File No. SES-MOD-20110418-00472, Call Sign E040267 (“*Miami Teleport License*”). NewCom recently transferred control of the *Miami Teleport License* to Speedcast Americas Inc. (See File No. SES-T/C-20160121-00093).

² The subject 7.3m Hub is identified as Antenna ID: “7.3a” in the *Miami Teleport License*.

part of Speedcast's Houston teleport license,³ is being relocated to the Miami facility.⁴ The replacement 7.6m Hub will operate pursuant to the previously licensed parameters for the 7.3m Hub, and no other information in the *Miami Teleport License* is changing as a result of this modification.

As demonstrated below, operation of the 7.6m Hub will be fully consistent with the Commission's spectrum management policies, including two-degree satellite spacing, and will not adversely affect the operations of other spectrum users. In the FCC Form 312 Schedule B and Technical Appendix, NewCom provides relevant information relating to the proposed operations, including the specific C-band frequencies (transmit and receive) and power levels, radiation hazard analysis and frequency coordination analysis. Additionally, out of an abundance of caution, NewCom seeks a waiver of the Commission's current freeze on licensing of new C-band satellite earth stations.

II. DISCUSSION

NewCom's proposed operation of the 7.6m Hub will not fundamentally alter what is authorized on the *Miami Teleport License*. As a means to eliminate the potential for increased interference, NewCom will operate the 7.6m Hub using the same C-band frequencies and EIRP and EIRP Spectral Density ("ESD") levels as authorized for the 7.3m Hub that it is replacing.⁵ This will ensure that NewCom's restructured operations remain compliant with the relevant

³ See Speedcast Communications Inc., File No. SES-MFS-20081219-01662, Call Sign E030170 ("*Houston Teleport License*"). Speedcast Communications Inc. is a wholly-owned subsidiary of Speedcast Americas Inc.

⁴ The *Houston Teleport License* was recently renewed to ensure appropriate Commission authority during the migration period (see File No. SES-RWL-20180919-02780). Speedcast will update the *Houston Teleport License* in the future as required.

⁵ Because the 7.6m Hub has slightly greater antenna gain than the 7.3m Hub it is replacing, NewCom will operate it with a corresponding reduction in input power to achieve this result.

power density mask in Section 25.212(d) of the Commission’s rules.⁶ Still, out of an abundance of caution, NewCom has coordinated the same C-band frequencies and power levels for the 7.6m Hub to support this modification application.

A. Frequency Coordination

NewCom engaged Comsearch to perform frequency coordination analysis for the 7.6m Hub, which was completed on October 12, 2018. Pursuant to Sections 25.115(c)(2)(ii) and 25.203 of the Commission’s rules, 47 C.F.R. §§ 25.115(c)(2)(ii) and 25.203, Comsearch has conducted a coordination analysis on behalf of NewCom that considers all existing, proposed and prior coordinated microwave facilities within the contours of the 7.6m Hub at the Miami teleport.

As demonstrated in the attached frequency coordination report, there continues to be no potential for interference between other users of the C-band spectrum and the operations of the 7.6m Hub at the Miami facility, and NewCom’s proposed operations are fully compatible with other FCC-licensed operations in the band. All potential interference cases that were identified by current licensees have been resolved, and Comsearch has concluded that “this site will operate satisfactorily with the common carrier microwave environment,” Coordination Report at 3. NewCom will coordinate any additional hub operations prior to bringing them into operation under the *Miami Teleport License*.

B. Temporary Freeze Public Notice & Waiver Request

Effective as of April 19, 2018, the Commission released a Public Notice placing a temporary freeze on the filing of all new or modification applications for earth stations in the 3.7-4.2 GHz band.⁷ The *Temporary Freeze Public Notice* contains an exception stating that

⁶ See .47 C.F.R. § 25.212(d).

⁷ See Public Notice, *Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7-4.2 GHz Band, 90-Day*

“entities that own or operate existing FSS earth stations in the 3.7-4.2 GHz band . . . may file an application to modify a current registration or license” during the freeze period.⁸ The exception applies to earth stations “that have been constructed and are operational as of April 19, 2018.”⁹ Although the 7.6m Hub itself was not operating at the Miami teleport before April 19, 2018, it will precisely replicate the licensed 7.3m Hub, which has been on the license since at least 2009.¹⁰ Thus, it would appear this filing is outside the intended purpose of the freeze and within the aforementioned exception.

To the extent that the Commission considers NewCom’s replacement of the 7.3m Hub with the 7.6m Hub to be within the scope of the freeze, NewCom respectfully requests a waiver of the *Temporary Freeze Public Notice* to permit licensing of the 7.6m Hub operations proposed herein.

The Commission may waive its rules for “good cause” shown,¹¹ when the particular facts make strict compliance inconsistent with the public interest.¹² Waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.¹³ As demonstrated below, strict

Window to File Applications for Earth Stations Currently Operating in the 3.7-4.2 GHz Band, DA 18-398 (rel. on April 19, 2018) (“*Temporary Freeze Public Notice*”).

⁸ Temporary Freeze Public Notice, at 1. The freeze period 90-day filing window was extended for an additional 90 days to October 17, 2018. See Public Notice, *International Bureau Announces 90-Day Extension of Filing Window, To October 17, 2018, to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band*, DA 18-639 (rel. June 21, 2018).

⁹ *Temporary Freeze Public Notice* at 3.

¹⁰ See SES-MFS-20041206-01790 (granted Jan 26, 2009).

¹¹ 47 C.F.R. §1.3.

¹² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

¹³ *Northeast Cellular*, 897 F.2d at 1166.

adherence to the *Temporary Freeze Public Notice* in the instant modification request would not serve the purpose of the freeze.

The Commission imposed the freeze “to preserve the current landscape of authorized operations in the 3.7-4.2 GHz band pending Commission action as part of its ongoing inquiry into the possibility of permitting mobile broadband use and more intensive fixed use of the band.”¹⁴ The 3.7-4.2 GHz band license environment will remain unchanged as a result of this modification because the proposed operation of the 7.6m Hub is substantially identical to the current *Miami Teleport License*, and remains compatible with terrestrial operations in the band. Moreover, the EIRP under which the 7.6m Hub will operate has been captured in frequency coordination databases prior to issuance of the *Temporary Freeze Public Notice*. The minimal difference in receive gain between the 7.6m Hub and the former 7.3m Hub is not significant in this context, particularly given that the 7.6m Hub will be located immediately adjacent to an even larger 9.0m Vertex antenna that has operates with even greater receive gain. Thus, there is no potential for any adverse impact or other prejudice to terrestrial systems or services from grant of the requested waiver, and strict adherence to the rule would not further Commission policy.

C. Public Interest

The replacement of the 7.3a Hub with the 7.6m Hub will serve the public interest by allowing NewCom and Speedcast to restructure its ground station operations to provide more effective and efficient services to its customers. This, in turn, will facilitate improved satellite services to companies and personnel in industries that rely on satellite connectivity for critical operational and employee support at remote locations that may be unable to obtain communications services through alternative facilities. In addition, because the proposed 7.6m

¹⁴ *Temporary Freeze Public Notice* at 1.

Hub is substantially identical to the 7.3m Hub it is replacing, and will operate with the same EIRP as was previously licensed, the “current landscape of authorized operations in the 3.7-4.2 GHz band” will not materially change, and there is no potential for any material impact on current or future terrestrial operations. Thus, waiver of the *Temporary Freeze Public Notice* will not undermine the Commission’s broadband policy objectives.

III. CONCLUSION

Based on the foregoing, NewCom respectfully requests that the Commission grant this modification application to replace the 7.3m Hub with the 7.6m Hub at its Miami teleport.