

Explanatory Statement re: Form 312, Question 35 and Schedule B, Questions E30 & E31

The attached Form 312 application states in response to Questions E30 & E31 on Schedule B that the manufacturer and model number of one or more antennas being registered is “Unknown.” No information is provided in response to these questions due to the age of the antenna and the absence of company records detailing this information. The antenna diameter and estimated receive gain are provided, however.

To the extent necessary, the applicant seeks a waiver of the Form 312 application requirements to permit acceptance of the application without this information. The public interest will be served by granting such a waiver in that processing and grant of the requested registration will provide the Commission with information it is affirmatively seeking in connection with its rulemaking in GN Docket No. 18-122.¹

The applicant, however, does not believe that any waiver of the Commission’s Rules is required and therefore has answered “No” to Question 35 on the Main Form 312. In particular, Sections 25.130(a) and 131(a) of the Commission’s Rules, which govern the technical content of receive-only Earth station applications, do not list the antenna manufacturer and model as required data, but instead specify provision of only the antenna diameter or equivalent diameter, as well as the specific satellite(s) with which it plans to operate, or the eastern and western boundaries of the arc it plans to coordinate. *See* 47 C.F.R. § 25.130(a) and 25.131(a). This information is provided in the attached application, and no coordination report is necessary pursuant to the blanket waiver of this requirement in the Commission’s April 19, 2018 Public Notice.² Accordingly, acceptance of this registration application with the information provided is appropriate and consistent with the Commission’s Rules.

¹ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Order and Notice of Proposed Rulemaking, FCC 18-91 (released July 13, 2018).

² *See* FCC Public Notice, “90-Day Window to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band, DA 18-398 (released April 19, 2018), at 4-5 (waiving the requirement contained in Section 25.131(d) of the FCC’s rules for C-band receive-only registration applications to include a coordination report).