

June 18, 2018

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**RE: SES, Intelsat and Intel Notice of *Ex Parte* Presentation
GN Docket Nos. 17-183, 18-122**

Dear Ms. Dortch:

On June 14, 2018, the representatives of Intelsat Corporation (“Intelsat”), SES Americom, Inc. (“SES”), Intel, and Auctionomics listed in Attachment A (the “Parties”) met with representatives from the Commission listed in Attachment B.

In the meeting, the Parties discussed their joint, market-based proposal (“Joint Proposal”) that will make spectrum in the 3.7-4.2 GHz band available for mobile broadband use while protecting critical Fixed Satellite Service (“FSS”) operations. The Parties emphasized that this market-based approach could clear spectrum for mobile 5G use expeditiously, but only if the FCC’s NPRM refrains from expressing a preference for excessive complexity and proscriptive rules. They noted that it is essential that the Commission provide maximum flexibility in the negotiation of voluntary, private-market transactions to allow the market to determine the most efficient path forward.

The Parties also discussed the three minimal rule changes that would be needed under the Joint Proposal. The first rule change would be to add a co-primary mobile allocation to the Table of Frequency Allocations for terrestrial mobile service in the C-band downlink spectrum and a new US footnote stating that terrestrial mobile use may be authorized provided it has been coordinated with the consortium of FSS operators through a secondary market agreement. The satellite operators would decide the amount and timing of spectrum clearing in response to the market and how to best continue to provide the same quality of service to C-band customers.

The second rule change would be to adopt a Part 25 rule that removes co-primary status protection for all C-band FSS operators upon initiation of service by a terrestrial mobile user in the frequencies and geographic areas covered by the secondary market agreement (while grandfathering a small number of telemetry, tracking and control (“TT&C”) and programming ingest sites). The parties clarify that although loss of co-primary protection status by rule would effectively render FSS operations in the frequencies subject to a secondary market agreement “secondary,” the Table of Allocations would still reflect FSS as co-primary in those frequencies in order to ensure that the

handful of TT&C/programming ingest sites remain protected. The Parties provide the below suggested language for this new Part 25 rule:

25.2xx Protection of receive earth stations in the 3700-4200 MHz band.

With the exception of certain telemetry, tracking and control (“TT&C”) and programming ingest sites specifically identified in secondary market agreements as requiring continued protection from terrestrial mobile operators, earth stations receiving in the 3700-4200 MHz band cannot claim protection from interference from terrestrial mobile operations in the frequencies and geographic coverage areas as defined in secondary market agreements entered with the consortium of Fixed-Satellite Service operators. The Commission shall issue a Public Notice identifying the geographic areas and frequencies subject to each secondary market agreement for which co-primary protection will no longer be afforded to Fixed-Satellite Service receive antennas unless such antennas are specifically protected according to the terms of a secondary market agreement.

Finally, the third rule change would be to adopt technical and service rules for the new terrestrial mobile licenses in this band, as necessary.

In addition, the Parties addressed other details about their Joint Proposal. Specifically, they noted that mobile operators that successfully negotiate secondary market agreements with the satellite consortium would apply directly to the Commission for a terrestrial mobile license for the spectrum and geographic areas set forth in the negotiated agreement. This would confirm the Commission’s direct regulatory oversight of the mobile operator, including issuance of terrestrial mobile licenses with typical terms and conditions. They also emphasized that alternative proposals to share spectrum are inferior. Because FSS receive earth stations are susceptible to interference from terrestrial transmissions, large protection zones would be required. Given the large number of earth stations in the C-band, expansive areas of the country would be unavailable for terrestrial mobile operations. Similarly, the Parties emphasized that sharing with point-to-multipoint services in the C-band would not be feasible. Supporters of the Broadband Access Coalition approach ignore the true extent of C-band FSS deployment and have never explained how their proposed operations could adjust quickly enough to accommodate necessary shifts in the frequencies or orientation of receive earth stations. Nor have point-to-multipoint proponents demonstrated that they could remedy interference by switching channels quickly enough to satisfy the high reliability requirements of video customers. The Parties added that it would be illogical to incentivize FSS operators to clear spectrum for 5G mobile use while also introducing new fixed point-to-multipoint operations that will further impair the spectrum for either terrestrial mobile operations or FSS.

The Parties thanked the Commission for creating a filing window for earth station registrations in the C-band, but stated that they remain concerned that many earth station operators have not registered because of the burdensome costs and information requirements -- leaving the locations of thousands of earth stations unknown to the Commission. The Parties believe that allowing a batch registration process (filing a single Form 312 with a list of multiple earth station sites) would best promote the Commission’s objective of gathering information regarding the locations of as many

operational earth station sites as possible, allowing for development of a more complete record before making any changes to the 3.7-4.2 GHz band.

The Parties' joint, market-based proposal reflects that the C-band satellite operators are in the best position to utilize the necessary tools to address their customers' concerns for continued delivery of high quality video and audio services while meeting the demand for new spectrum for 5G terrestrial mobile services. The participants urged the Commission to endorse this market-based solution, which aligns incentives to ensure a win-win solution for all parties.

This notice is filed pursuant to FCC Rule 1.1206; please contact the undersigned with any questions regarding this matter.

Respectfully submitted,

/s/ Michele C. Farquhar

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Attachments

ATTACHMENT A

Michelle Bryan, Counsel and Chief Administrative Officer, Intelsat

Susan Crandall, Associate General Counsel, Intelsat

Hazem Moakkit, Vice President, Spectrum Strategy, Intelsat

Kimberly Baum, Vice President, Spectrum Management & Development Americas, SES

Yves Bausch, Vice President, Strategic Portfolio Development, SES

Petra Vorwig, Senior Legal & Regulatory Counsel, SES

Peter Pitsch, representing Intel

Jennifer Hindin, Wiley Rein LLP, counsel for Intelsat

Michele Farquhar, Hogan Lovells US LLP, counsel for SES

Sasha Javid, Hogan Lovells US LLP, counsel for SES

Paul Milgrom, Chairman of the Board of Directors, Auctionomics

ATTACHMENT B

Wireless Telecommunications Bureau

Thomas Derenge (via phone)
Ariel Diamond
Anna Gentry
Joyce Jones (via phone)
Roger Noel
Matthew Pearl
Becky Schwartz
Peter Daronco (via phone)
Blaise Scinto
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