

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

In the Matter of)
)
Amendment to Commission Rules) RM - 11750
Concerning Adjudication of Spectrum)
Interference Disputes)

To: The Commission

COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION

The Satellite Industry Association (“SIA”)¹ hereby submits these comments in response to the Petition for Rulemaking (“Petition”) submitted by the Samuelson-Glushko Technology Law & Policy Clinic and J. Pierre de Vries (together, the “Petitioners”), requesting that the Commission initiate a rulemaking proceeding to establish an Administrative Law Judge (“ALJ”) adjudication process to resolve spectrum interference complaints.² SIA takes no position on the Petition with respect to resolution of spectrum interference complaints generally, but if the Commission initiates a rulemaking proceeding, SIA urges the Commission not to propose

¹ SIA is a U.S.-based trade association providing worldwide representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers. For more information, visit www.sia.org. The Boeing Company; The DIRECTV Group; EchoStar Corporation; Harris CapRock Communications; Intelsat S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; LightSquared; Lockheed Martin Corporation; Northrop Grumman Corporation; SES Americom, Inc.; SSL; and ViaSat, Inc. SIA Associate Members include: ABS US Corp.; Airbus DS SatCom Government, Inc.; Artel, LLC; Cisco; Comtech EF Data Corp.; DRS Technologies, Inc.; Eutelsat America Corp.; Glowlink Communications Technology, Inc.; Hughes; iDirect Government Technologies; Inmarsat, Inc.; Kymeta Corporation; Marshall Communications Corporation.; MTN Government; O3b Limited; Orbital ATK; Panasonic Avionics Corporation; Row 44, Inc.; TeleCommunication Systems, Inc.; Telesat Canada; TrustComm, Inc.; Ultisat, Inc.; Vencore Inc.; and XTAR, LLC.

² See Samuelson-Glushko Technology Law & Policy Clinic and J. Pierre de Vries, Petition for Rulemaking: Spectrum Interference Dispute Resolution, RM-11750 (May 8, 2015).

adoption of an ALJ process with respect to interference complaints between satellite and/or earth station operators.

The FCC's rules already impose effective, good faith coordination obligations on satellite and earth station operators to resolve harmful interference disputes.³ In many cases, operators are able to resolve spectrum interference issues through the use of engineering best practices, and in other cases, operators reach mutually acceptable solutions to mitigate interference. These voluntary efforts have proven sufficient over the years to resolve interference disputes because of the long-term established industry practice of frequency management and relationship among operators. A search of FCC decisions regarding violations of the FCC's general satellite dispute resolution rules⁴ reveals only one Enforcement Bureau decision, confirming the experience of SIA members that the current interference resolution process is effective and that no additional measures are needed.⁵ Furthermore, the proposed additional measures are unproven, and would impose significant costs and resource burdens on Commission personnel and licensees, far outweighing any possible benefits.⁶

The Petitioners also have failed to provide any evidence to support adoption of the proposal with respect to satellite-related services. The one satellite example cited in the Petition was not a dispute between satellite or earth station operators. The example involved the resolution of harmful interference caused by automobile radar detectors to Ku-band Very Small

³ See 47 C.F.R. §§ 25.272, 25.274.

⁴ See *id.*

⁵ See *In the Matter of NewCom International, Inc.*, 26 FCC Rcd 401 (IB 2011).

⁶ See Petition at 17-18 (acknowledging that the Commission will need to hire new staff and/or reallocate staff resources from other bureaus). As the Petitioners concede, ALJ's may not have the technical expertise to resolve interference disputes in some cases, and the FCC would effectively be required to hire additional "spectrum technical advisors." *Id.*

Aperture Terminal (“VSAT”) networks.⁷ To resolve the interference, the FCC was required to establish new equipment authorization rules for radar detectors, which an ALJ would not have had the authority to do.⁸ Moreover, even if the ALJ could have liberally interpreted the FCC’s then-existing rules to address the interference issue between the specific parties to an adjudicatory proceeding, VSAT operators would have had to bring separate dispute resolution proceedings against all of the manufacturers of automobile radar detectors.⁹ Thus, the Petitioner’s proposed ALJ framework would not have effectively resolved the interference problem caused by radar detectors to VSAT terminals.

Moreover, spectrum disputes between satellite operators may be international in character. Resolution of such interference disputes are governed under the International Telecommunication Union Radio Regulations (“ITU RR”) and, as a formal matter, involve the relevant satellite licensing administrations.¹⁰ The petitioners acknowledge that the scope of the proposed rules would require both parties to be under FCC jurisdiction.¹¹

⁷ See Petition at 8-9.

⁸ See *In the Matter of Review of Part 15 and Other Parts of the Commission’s Rules*, First Report and Order, 17 FCC Rcd 14063, 14063 ¶ 1 (2002) (“[W]e are requiring that radar detectors comply with radiated emission limits in the 11.7-12.2 GHz band under Part 15 of the rules, and that all radar detectors be certified to demonstrate compliance with the emission limits before they can be marketed. The requirements will become effective thirty days from publication of the rules”).

⁹ Indeed, Petitioners concede that the proposed ALJ process would not be appropriate for multi-party disputes. See Petition at 11 (“[R]ulemaking by the Commission would be more appropriate for multi-party disputes and single-party cases that highlight broader problems.”).

¹⁰ See, e.g., ITU RR § 11.42A (if any administration informs the Bureau that all efforts to resolve harmful interference have failed, “the Bureau shall immediately inform other involved administrations and prepare a report, together with all necessary supporting documents (including comments from the administrations involved), for the next meeting of the Board for its consideration and any required action”).

¹¹ See Petition at 10

Having wholly different domestic and international processes for resolving satellite interference disputes would potentially undermine and complicate the well-established international regime. The Petitioners have not addressed this issue.

For the above reasons, if the Commission decides to grant the Petition and initiate a rulemaking, SIA urges the Commission not to propose adoption of an ALJ process with respect to interference disputes between satellite and/or earth station operators.¹²

Respectfully submitted,

SATELLITE INDUSTRY ASSOCIATION

By: /s/ Tom Stroup

Tom Stroup
President
1200 18th Street NW, Suite 1001
Washington, D.C. 20036
(202) 503-1560
tstroup@sia.org

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¹² SIA agrees to accept electronic service of replies pursuant to 47 C.F.R. §§ 1.450(b) and 1.47(d) via email to tstroup@sia.org.

CERTIFICATE OF SERVICE

I, Sam Black, hereby certify that on July 13, 2015, a true and correct copy of the foregoing Comments of the Satellite Industry Association was sent via e-mail,¹³ to the following:

Stefan Tschimben
Stephanie Vu
Student Attorneys

Blake E. Reid
Director

blake.reid@colorado.edu

J. Pierre de Vries

pierredv@hotmail.com

/s/ Sam Black

Sam Black, Senior Director, Policy, Satellite
Industry Association

¹³ See Petition for Rulemaking of the Samuelson-Glushko Technology Lay & Policy Clinic (TLPC) and J. Peirre de Vries, Blanket Consent to and Request for Consent to Electronic Service, Dkt No. RM-11750 (filed Jun. 24, 2014) (consenting to service via e-mail).