



# PUBLIC NOTICE

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## INTERNATIONAL BUREAU RELEASES PRELIMINARY LIST OF INCUMBENT EARTH STATIONS IN THE 3.7-4.2 GHZ BAND IN THE CONTIGUOUS UNITED STATES

IB Docket No. 20-205

Comments Due: July 16, 2020

With this Public Notice, the International Bureau (the Bureau) releases a preliminary list of those Fixed Satellite Service (FSS) earth stations in the 3.7-4.2 GHz band in the contiguous United States that the Bureau has found may satisfy the criteria to be classified as incumbent earth stations for purposes of the 3.7-4.2 GHz band (C-band) transition.<sup>1</sup>

In the *3.7 GHz Band Report and Order*, the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use, plus a 20 megahertz guard band, throughout the contiguous United States by transitioning existing services out of the lower portion and into the upper 200 megahertz of the C-band.<sup>2</sup> The *3.7 GHz Band Report and Order* established that new 3.7 GHz Service licensees will reimburse the reasonable relocation costs of eligible incumbents, including incumbent FSS earth station operators, to transition to the upper 200 megahertz of the band.<sup>3</sup> The *3.7 GHz Band Report and Order* also provided that incumbent earth stations in the contiguous United States will have the option of electing lump sum payments in lieu of actual relocation costs.<sup>4</sup> The *3.7 GHz Band Report and Order* defines the criteria that earth stations must satisfy to be eligible as incumbent earth stations to receive their

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<sup>1</sup> See 47 CFR § 27.1419. The Bureau will release a preliminary List of Incumbent Earth Stations outside the contiguous United States in a separate Public Notice. The C-Band transition is not occurring outside the contiguous United States, but U.S. licensed or registered earth stations in those locations may seek reimbursement of costs directly related to the transition if they satisfy the criteria for incumbent earth station status. Those earth stations, however, are not eligible to elect lump sum payments.

<sup>2</sup> *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2345, para. 4 (2020) (*3.7 GHz Report and Order*).

<sup>3</sup> *3.7 GHz Report and Order*, 35 FCC Rcd at 2391, 2465-66, paras. 111, 326; 47 CFR § 27.4.

<sup>4</sup> *3.7 GHz Report and Order*, 35 FCC Rcd at 2427-28, paras. 202-204 & note 550; 47 CFR §§ 27.1412(e), 27.1419.

reasonable relocation costs. Specifically, incumbent earth stations are those FSS earth stations that meet the following qualifications:

- (1) Operational as of April 18, 2018 filing freeze and remain operational; and registered (receive-only) or licensed (transmit/receive) in the 3700-4200 MHz band.
- (2) If unregistered or unlicensed before April 18, 2018, registration or license applications must have been filed by November 7, 2018.
- (3) If registered or licensed before April 18, 2018, the registrant or licensee must have:
  - a. Certified the accuracy of the registration/license information in the International Bureau Filing System (IBFS) by May 28, 2019; OR
  - b. Filed a modification/update to the registration or license in IBFS during the April 19, 2018 – November 7, 2018 filing window;<sup>5</sup> OR
  - c. Filed a timely renewal application for the existing registration or license by May 28, 2019.<sup>6</sup>

The Bureau has reviewed the status of all earth stations in IBFS with active or pending licenses or registrations to receive in the 3.7-4.2 GHz band pursuant to the above criteria. The list attached to this Public Notice includes all such earth stations that the Bureau has found, after its preliminary review, may satisfy the incumbent earth station criteria.<sup>7</sup>

The *3.7 GHz Band Report and Order* directed the Bureau to complete the processing of all earth station license or registration applications (whether for an initial grant, modification, or renewal) that were filed during the limited freeze window.<sup>8</sup> However, because of their large quantities the Bureau is continuing to process a limited number of applications that were timely filed before the earth station freeze. The Bureau has included in the attached list earth stations that are the subject of currently pending applications. The ultimate status of such earth stations as incumbent earth stations is conditional upon the grant of the pending applications. The Bureau has not included on the list those earth stations whose applications it has dismissed as not meeting the criteria for incumbent status, including those earth stations where the dismissal is not yet final under the Commission's rules.<sup>9</sup>

For ease of identification, the list of earth stations includes the following information from the IBFS database: (1) Licensee/Registrant/Applicant name; (2) Earth Station Callsign; (3) Site ID; (4) Antenna ID; (5) number of antennas/dishes associated with that Antenna ID; (6) site

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<sup>5</sup> *3.7 GHz Report and Order*, 35 FCC Rcd at 2390, paras. 116-17.

<sup>6</sup> *See id.* at 2392, para. 116; 47 CFR § 27.1411(b)(3) (defining incumbent earth stations); 47 CFR § 25.121 (earth station renewal requirements). In addition, an earth station must maintain a current authorization in IBFS.

<sup>7</sup> Any earth station registrations that fail to qualify for incumbent status will be removed as an active registration from IBFS. *See 3.7 GHz Report and Order*, 35 FCC Rcd at 2394, para. 123.

<sup>8</sup> *3.7 GHz Report and Order*, 35 FCC Rcd at 2393-94, para. 122. Similarly, the Bureau is charged with assessing whether certifications were filed on a timely basis.

<sup>9</sup> An applicant seeking to challenge a dismissal of its application has 30 days from public notice of the dismissal to challenge that dismissal. 47 CFR § 1.106, 1.115. *See, e.g., Public Notice*, Rep. No. SES-02267 (IB May 13, 2020).

address; (7) GPS coordinates of the antenna; and (8) File Number(s) of current authorization and/or pending application.<sup>10</sup> Registrants, licensees, applicants, and other stakeholders should review the list for accuracy. Parties requesting any correction regarding the inclusion or omission of any earth station should do so in writing according to the filing requirements outlined below, and reference the existing file number(s) in IBFS to support those requests.

The *3.7 GHz Band Report and Order* rejected a request to open an additional earth station filing window,<sup>11</sup> and parties may not submit new filings in IBFS – including applications to register, modify or amend – in order to attempt to qualify for incumbent status. The Commission will also not consider filings from current licensees or registrants to add existing antennas to a registration or license or change an earth station location. Filings in this docket that provide minor corrections to site address and/or GPS coordinates of an existing earth station location or minor changes in operations (e.g., change in an emission designator or, importantly, an antenna no longer in use, or other information that would help inform the satellite operators’ transition plans) are permissible.

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*Filing Requirements.* Interested parties are invited to file comments on or before the date indicated on the first page of this document. All filings must reference IB Docket No. 20-205. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Alternatively, an e-mail with the proposed correction(s) may be sent to [IBFSINFO@fcc.gov](mailto:IBFSINFO@fcc.gov). The subject line of the e-mail should reference this docket, as well as the IBFS file number(s) to be considered. To the extent that any e-mail results in a change to the incumbent earth station list, or includes substantive comments (beyond submitting corrections to a current IBFS listing), IB staff will add the email to the official record in this proceeding.

*People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Government Affairs Bureau at 202-418-0530 (voice, 202-418-0432 (tty)).

*Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in

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<sup>10</sup> Certain C-Band certifications were timely filed in association with File Numbers that have since been superseded by later filings; in the list, those earth stations can be identified by the subsequent File Number. The status of an earth station antenna under the *3.7 GHz Report and Order* pertains only to the reception of satellite transmissions on 3.7-4.2 GHz by fixed earth stations and transportable (temporary fixed) earth stations. Authorizations to transmit and receive transmissions on other satellite frequencies, including the 5.9-6.4 GHz portion of the C-Band, are unaffected. Finally, under the terms of the *3.7 GHz Band Report and Order*, authorizations to receive transmissions in 3.7-4.2 GHz for other Classes of Earth Stations (e.g., Earth Stations on Vessels, Blanket-Licensed Earth Stations) are not eligible to become incumbent earth stations. *3.7 GHz Report and Order*, 35 FCC Rcd at 2391, paras. 122-23.

<sup>11</sup> *3.7 GHz Report and Order*, 35 FCC Rcd at 2391, paras. 120-21.

accordance with the Commission's *ex parte* rules.<sup>12</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf).<sup>13</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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<sup>12</sup> See 47 CFR § 1.1200 *et seq.*

<sup>13</sup> *Id.* § 1.1206(b).