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## **FCC Reconsiders Reverse DBS Band Orbital Spacing**

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In an *Order on Reconsideration (Reconsideration Order)*, the FCC has provided additional flexibility to space station operators in the 17/24 GHz Broadcasting-Satellite Service (BSS), also known as the reverse DBS band, which can be used for HDTV and satellite broadcast services. In its initial 17/24 GHz *Report and Order*, the FCC established that 17/24 GHz BSS space stations must operate at specified orbital locations at four degree intervals. In the *Reconsideration Order*, the FCC allows these operators to request orbital locations that are offset from the specified orbital locations by up to one degree, without having to reduce power or accept additional interference, provided there are no licensed or prior-applied for applications less than four degrees away from the proposed offset space station.

Following release of the initial *Report and Order*, the FCC received a number of *ex parte* filings commenting on the four degree orbital spacing framework. EchoStar, for example, requested the ability to operate at offset 17/24 GHz BSS locations in order to facilitate the provision of both DBS service and 17/24 GHz BSS service to subscribers using a single small antenna.

To implement this decision, the FCC's International Bureau will release a Public Notice directing the current applicants in the band (EchoStar, DirecTV, Intelsat and Pegasus) to amend their applications consistent with the new rules. Any applicant proposing a full power offset orbital location in conflict with an applicant at one of the specified orbital locations can amend again to specify the orbital location from which it was offset or to remain at the offset location at reduced power and with reduced interference protection. In the event two or more applications specify the same specified orbital location or the associated offset locations, the applications will be considered together and, if the applicants are qualified, licensed to operate in an equal portion of the spectrum.

Future 17/24 GHz BSS applications will be considered on a first-come, first-served basis. The FCC imposed a freeze on new applications in the initial *Report and Order*. The FCC

will lift the freeze at some point in the future, presumably after the current applicants have had their opportunity to amend their applications. The FCC observed that the *Reconsideration Order* will allow for an orbital assignment framework that is better aligned with applicants' business plans and existing infrastructure and will thus afford operators the greatest opportunity to provide expanded direct-to-home (DTH) satellite services using a single multiple feed antenna.