

## ACA Member Alert

### FCC Extends Deadline for Registration of C-Band Earth Stations *Incumbent Operators Can Now File Until October 31, 2018*

The Federal Communications Commission ("FCC") has released a [Public Notice](#) announcing that, due to the large influx of registrations received in the past few days, they are extending the deadline for incumbent C-band users to register their receive-only earth stations until October 31, 2018.

ACA urges members to register their receive-only earth stations, both to ensure that they are eligible for protection in the future and to ensure that the cable industry is properly represented as the Commission makes its decisions on how others may use the C-band in the future. ACA also encourages its members to take advantage of satellite company SES's recent [offer](#) to reimburse ACA members and others for the \$450 FCC filing fee for new receive-only earth station registrations filed after July 25, 2018 and by October 17, 2018. If SES decides to extend its reimbursement program to registrations filed through October 31, ACA will let members know.

For more information about registering your receive-only earth stations, see below. You can access a recording of the recent ACA Educational Series Webinar, "[Registering Your Receive-Only Earth Station: FCC Staff Explains How To and Why Now?](#)" In this webinar, staff from the FCC provide detailed instructions on how to register your earth stations, and answer dozens of questions from ACA members.

#### **Background**

The FCC is considering a [Notice of Proposed Rulemaking](#) ("NPRM") that would expand the permissible uses of spectrum in the 3.7-4.2 GHz band ("C-band"). Increased usage of C-band spectrum will likely cause interference with many incumbent operations, including the receipt of satellite-delivered video signals by cable operators.

The FCC has stated that, in considering how best to open up the band for additional purposes, it will take into consideration only those earth stations that are registered or have pending registrations on file. The Federal Communications Commission ("FCC") has given incumbent C-band users until October 31, 2018 to register their receive-only earth stations. Receive-only earth stations that have not registered by that date will not receive any legal protection against interference by new C-band users in the future.

To preserve the current landscape of authorized operations in the C-band and to gather the data that it needs, the FCC issued a [Public Notice](#) on April 19, 2018 announcing it would no longer accept any new or modified applications for earth stations licenses, receive-only earth stations, and fixed microwave licenses in the C-band. However, it provided users of unregistered earth stations that were in operation at the time of the first Public Notice's release, a 90-day window to register their stations. Only earth stations that were built and operational by April 19 are eligible to

be registered during this period. Moreover, for the first time, the FCC is not requiring receive-only earth station registrations to include a coordination report. In a second [Public Notice](#) the FCC extended the deadline for registering by 90 days to October 17, 2018 (essentially creating a 180-day window). After this date, the Commission will not accept any more registrations. In an October 17 [Public Notice](#), the FCC further extended the deadline until October 31, 2018.

In an [Order](#) that went into effect on August 20, 2018, the Commission announced that C-band users who registered their receive-only earth stations prior to April 19, 2018 must certify that the information contained in their registration is up to date. The FCC has not yet created the process for certification, but will release a Public Notice describing that process at some point in the future. In that Public Notice, they will also establish a deadline by which prior registrants must make their certifications.

In the [NPRM](#) that accompanied the Order, the FCC has proposed to provide all qualifying earth stations with the same protections, regardless of when they were registered or whether their registrations were filed with a coordination report.

### **How to Determine Whether Your Earth Station is Already Registered**

If you are unsure whether your receive-only earth station is registered with the FCC, you may run a [search](#) in the International Bureau Filing System ("IBFS") using your company name or FCC Registration Number ("FRN"). Simply enter your company name in the Applicant/Licensee field or FRN in the FRN field of the Administrative Data section and then click the "Search" button located halfway down the page. To limit your search to just earth stations in the C-band, enter "3700" in the Lower field and "4200" in the Upper field of the Frequency section.

After you have clicked the search button, you will be automatically redirected to a second page. If the search returns one or more licenses or registrations, you will be prompted to "Run Report." You should review the report carefully, by clicking on each File Number, to confirm that it accurately reflects all of your currently operational earth stations and that the registrations are up-to-date. Moreover, for each registration, you should verify that all of your operational satellite dishes and antennas at the earth station site are listed on Schedule B, including all relevant information associated with each dish and antenna. If not, you should consider addressing this shortcoming. Also be sure to check the date that each registration expires. In some cases, a search term may return other types of licenses, or may return registrations that belong to other companies, so you should always double check to make sure that the report is listing your registered earth stations.

### **How to Register a Receive-Only Earth Station**

To register a single receive-only earth station, you must complete Form 312, including Schedule B. (Schedule A is used for license transfers only, and is not relevant for purposes of registering a receive-only earth station.) Per the second [Public Notice](#), entities that operate receive-only earth stations at multiple, diverse geographic locations may submit multiple registrations under a single "Lead Application" on Form 312.

The instructions below describe the manner in which most cable operators should complete Form 312. There may be circumstances in which an individual's responses may differ. If you believe that the answers provided below do not accurately reflect your own circumstances, you should seek advice from an attorney and/or technical expert who can speak to the specifics of your situation.

*Preliminary Steps.* To complete Form 312, you must first log in to [IBFS](#) using your FRN. Most ACA members should already have an FRN already, as it is required to conduct most business with the FCC, but if necessary you can register for a new FRN [here](#). Enter your FRN and Password, and if your contact information is the same as that listed in the Commission Online Registration System ("CORES"), click the "PREFILL CORES DATA" button.

Once you have logged in to IBFS with your FRN, select "Start New Application (Form 312/Schedule B)" from the dropdown box in the upper left-hand corner. Do not select FCC Form 312 EZ. The FCC will not accept for filing any earth station subject to the freeze that is submitted on the EZ form during the 180-day filing window. Each individual earth station requires its own Form 312 application, but you need not separately register multiple antennas operated within a single earth station.

**Main Form.** The Main Form of Form 312 asks for basic information about the applicant (such as legal name, business name, and contact information), as well as information about the nature of the application, the type of service provided, and the type of station.

In most cases an applicant for a receive-only earth station registration should respond with the answers provided below, but you should read each question carefully to determine whether it accurately reflects your own circumstances.

Be sure to click "Validate" at the bottom of every page to save your work.

#### *Applicant Information*

- Questions 1-16. These questions will be pre-populated using information associated with your FRN. You should fill in any missing information as appropriate.

#### *Classification of Filing*

- Question 17.
  - 17a. Check "a1. Earth Station"
  - 17b. Check "b2. Application for Registration of New Domestic Receive-Only Station."
  - 17c. Check "If Yes, complete and attach FCC Form 159."
  - 17d. Select "CMO - Receive Only Earth Station" from the dropdown menu.
  - Questions 18-19. Skip these questions unless applicable.

#### *Type of Service*

- Question 20. Check "a. Fixed Satellite."
- Question 21. Check "Non-Common Carrier."
- Question 22. Check one or both as applicable.
- Question 23. Check "N/A."
- Question 24. Check "a. C-band (4/6 GHz)."
  - For Frequency Lower, type "3700." For Frequency Upper, type "4200."

*Type of Station*

- Question 25. Check "a. Fixed Earth Station."
- Question 26. Check "Receive-Only."

*Purpose of Modification*

- Question 27. Select "Not Applicable."

*Environmental Policy*

- Question 28. Check "No."

*Alien Ownership*

- Question 29. Check "No."
- Questions 30-34. Check "N/A."

*Basic Qualifications*

- Question 35. Check "No."
- Questions 36-39. Check "No."
- Question 40. Skip.
- Question 41. Check "Yes."
- Question 42a. Check as appropriate. If "Yes," specify "Permitted List" in your statement in response to 42b, assuming the foreign-licensed satellites are on that list.
- Question 43. You must provide a narrative description that summarizes the nature of the application and the services provided. The narrative should include the following information.
  - You are applying for registration of a domestic receive-only earth station that was constructed and in operation prior to April 19, 2018.
  - You are registering for purposes of providing video service.
  - List the city and state in which the station is located.
  - If appropriate, state that you are providing coordinates using the WGS84 format. (See question E13 below.)

*Certification.* Complete this form and click "Validate."

- For Question 43a, choose option A - "By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25."

**Schedule B.** Schedule B asks for technical and operational information about the receive-only earth station.

*E1-20. Site Information.* This section requests basic information about your earth station.

- E1. Enter a short name to identify the station.
- E2-E9. Enter information as appropriate. You may leave E5 blank if not applicable.
- E10. Enter the city and state in which the station is used.
- E11-E13. Enter the coordinates of your earth station. Please note that the FCC recommends that coordinates be entered in World Geodetic System 1984 ("WGS84") format, which is the standard coordinate system use in the Global Position System and by Google Maps. However, that is not an option for question E13, so if you do use WGS84, you should click "N/A," but indicate in question 43 of the Main Form that you are using WGS84, as discussed above.
- E14. Enter the elevation of the site.
- E15-E16. Check "N/A."
- E18-E20. Check "No."

*Points of Communication.* Click the "Points of Communication" button. Select "Permitted List." E21-E24 will be pre-populated.

*Destination Points.* Ignore.

*Antenna, Antenna Gain, Frequency, and Frequency Coordination.* Click through each of the remaining sections and respond appropriately.

- If you need help calculating the azimuth angles associated with a specific orbital arc, you can use an online tool such as <http://www.satcom.co.uk/article.asp?article=1> or [www.dishpointer.com](http://www.dishpointer.com).
- There are no strict limits to the geographic area that constitutes a single receive-only earth station that may be registered under one application, with payment of a single \$450 fee. As a rule of thumb, multiple receive-only antennas in general proximity (within a few hundred feet) of one another (i.e. single geographic location or address) should be considered one earth station. The FCC reiterated this point in the second [Public Notice](#), the FCC reiterates this point.
- **To ensure your earth station is protected to the greatest extent possible, it is very important that you include each of your dishes at a site on your registration form, and all relevant information associated with such**

**dishes.** You should register each antenna by clicking "Add" in the "Antenna" section.

*Particulars of Operation.* The typical emission designator for digital signals is 36M0G7W.

Be sure to click "Validate" whenever prompted.

**Complete Your Filing.** When you are done, click the "Menu" button, then click "File a Form."

**Filing Fee.** Applications for a single receive-only earth station must be accompanied by a \$450 filing fee using Form 159. This fee was raised from \$435 on September 4, 2018. After closing the confirmation page, click "Form 159 Menu," select the Form 312 that you just filed, and fill in your payment information.

Entities that "batch" file their registrations for multiple, diverse geographic locations of receive-only earth stations under a single "Lead Application," as outlined in the second [Public Notice](#), must pay the fee for a "Fixed Satellite VSAT System." That fee is currently \$10,620, so this option is likely to be attractive to ACA members who plan to register receive-only earth stations at more than 24 individual geographic locations.

### **SES/Intelsat FCC Form 312 Filing Fee Reimbursement Program**

To further encourage C-band users to register their stations, satellite companies SES and Intelsat have [offered](#) to reimburse the \$450 filing fee for any receive-only earth station registrations filed between July 25, 2018 and October 17, 2018. Reimbursement is available only for earth stations that operate within the contiguous United States (i.e., not in Hawaii or Alaska). Reimbursement is available only for new registrations - any filing fee paid prior to July 25 is not eligible for reimbursement - and is subject to the availability of funds. If SES elects to extend its reimbursement program to registrations filed through October 31, ACA will let members know.

ACA members interested in seeking reimbursement must submit their confirmation of payment from the FCC to [FCCregistration@ses.com](mailto:FCCregistration@ses.com) by October 31, 2018. For additional information about reimbursement or the FCC Form 312 filing process, you may call the SES Phone Helpline at 609-987-4300.

### **Additional Resources**

For additional FCC and industry resources to help applicants complete FCC Form 312 and Schedule B, click the links below:

- FCC Resources
  - [http://licensing.fcc.gov/myibfsdocs/Filing\\_Instructions.html](http://licensing.fcc.gov/myibfsdocs/Filing_Instructions.html)
  - <https://www.fcc.gov/research-reports/guides/frequently-asked-questions-faq-processing-earth-station-applications>
- Industry Resources

- Intelsat: <http://www.intelsat.com/wp-content/uploads/2018/05/How-To-Register-Cband-Downlinks-at-the-FCC.pdf>
- SES: <https://edit.ses.com/sites/default/files/2018-05/FCC%20Registration%20of%20C-band%20Rx-only%20Earth%20Stations.pdf>

For further information on completing Form 312 or using IBFS, please contact the IBFS Helpline at (202) 418-2222 or [IBFSINFO@fcc.gov](mailto:IBFSINFO@fcc.gov); Paul Blais at (202) 418-7274 or [Paul.Blais@fcc.gov](mailto:Paul.Blais@fcc.gov); or Kathleen Campbell at (202) 418-0753 or [Kathleen.Campbell@fcc.gov](mailto:Kathleen.Campbell@fcc.gov).

### **FCC's Response to ACA's Request for Clarification About Benefits of Registering Without a Coordination Report**

On April 30, ACA [requested](#) certain clarifications of the FCC's initial Public Notice. The purpose of the request was to seek clarification of the benefits of registering without a coordination report during the 90-day (now 180-day) window, other than the obvious cost and time savings associated with preparing such a report.

In a ["Q&A" document](#) published by the International Bureau on May 14 in response to ACA's request, the FCC provided no assurance that operators taking advantage of the window to register *without submitting a coordination report* will receive protection from potential Fixed Satellite ("FS") service transmissions by future licensees (if any). Nor does the Q&A provide any assurance that the FCC would treat operators of earth stations who register without coordination reports the same as those who register with such reports.

In the later released [NPRM](#), however, the FCC states that while earth stations that have not filed a frequency coordination report are not protected from interference by FS links, frequency coordination is of less relevance to the new terrestrial uses that are currently proposed. The NPRM therefore proposes to protect all incumbent earth stations that were in operation by April 19, 2018, who are registered by October 17, 2018 (now extended to October 31, 2018), and, if registered prior to April 19, 2018, have certified as to the accuracy of the information contained in IBFS, regardless of whether their registration was accompanied by a coordination report.

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If you have any additional questions, please contact Mary Lovejoy, ACA's Vice President of Regulatory Affairs, at [mlovejoy@americancable.org](mailto:mlovejoy@americancable.org).