

§ 25.138

47 CFR Ch. I (10–1–16 Edition)

in which the petitions will be considered relative to pending applications and petitions.

(f) A non-U.S.-licensed space station operator that has been granted access to the United States market pursuant to a declaratory ruling may modify its U.S. operations under the procedures set forth in §§25.117(d) and (h) and 25.118(e).

(g) A non-U.S.-licensed satellite operator that has been permitted to serve the United States pursuant to a Petition for Declaratory Ruling must notify the Commission if it plans to transfer control or assign its license to another party, so that the Commission can afford interested parties an opportunity to comment on whether the proposed transaction affects any of the considerations we made when we allowed the satellite operator to enter the U.S. market. If the transferee or assignee is not licensed by or seeking a license from a country that is a member of the World Trade Organization for services covered under the World Trade

Organization Basic Telecommunications Agreement, the non-U.S.-licensed satellite operator will be required to make the showing described in paragraph (a) of this section.

[62 FR 64172, Dec. 4, 1997, as amended at 64 FR 61792, Nov. 15, 1999; 65 FR 16327, Mar. 28, 2000; 65 FR 59143, Oct. 4, 2000; 68 FR 51503, Aug. 27, 2003; 68 FR 62249, Nov. 3, 2003; 69 FR 51587, Aug. 20, 2004; 78 FR 8422, Feb. 6, 2013; 81 FR 55331, Aug. 18, 2016]

§ 25.138 Licensing requirements for GSO FSS earth stations in the conventional Ka-band.

(a) Applications for earth station licenses in the GSO FSS in the conventional Ka-band that indicate that the following requirements will be met and include the information required by relevant provisions in §§25.115 and 25.130 may be routinely processed:

(1) The EIRP density of co-polarized signals in the plane tangent to the GSO arc, as defined in §25.103, will not exceed the following values under clear sky conditions:

32.5–25log(θ)	dBW/MHz	for $2.0^\circ \leq \theta \leq 7^\circ$.
11.5	dBW/MHz	for $7^\circ \leq \theta \leq 9.2^\circ$
35.5–25log(θ)	dBW/MHz	for $9.2^\circ \leq \theta \leq 19.1^\circ$
3.5	dBW/MHz	for $19.1^\circ < \theta \leq 180^\circ$

Where:

θ is the angle in degrees from a line from the earth station antenna to the assigned orbital location of the target satellite.

(2) In the plane perpendicular to the GSO arc, as defined in §25.103, the EIRP density of co-polarized signals will not exceed the following values under clear sky conditions:

35.5–25log(θ)	dBW/MHz	for $3.5^\circ \leq \theta \leq 7^\circ$
14.4	dBW/MHz	for $7^\circ < \theta \leq 9.2^\circ$
38.5–25log(θ)	dBW/MHz	for $9.2^\circ < \theta \leq 19.1^\circ$
6.5	dBW/MHz	for $19.1^\circ < \theta \leq 180^\circ$

Where θ is as defined in paragraph (a)(1) of this section.

(3) The EIRP density levels specified in paragraphs (a)(1) and (2) of this section may be exceeded by up to 3 dB, for values of $\theta > 7^\circ$, over 10% of the range of theta (θ) angles from 7–180° on each

side of the line from the earth station to the target satellite.

(4) The EIRP density of cross-polarized signals will not exceed the following values in the plane tangent to the GSO arc or in the plane perpendicular to the GSO arc under clear sky conditions:

22.5–25log(θ)	dBW/MHz	for 2.0° < θ ≤ 7.0°
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Where θ is as defined in paragraph (a)(1) of this section.

(5) A license application for earth station operation in a network using variable power density control of earth stations transmitting simultaneously in shared frequencies to the same target satellite receiving beam may be routinely processed if the applicant certifies that the aggregate off-axis EIRP density from all co-frequency earth stations transmitting simultaneously to the same target satellite receiving beam, not resulting from colliding data bursts transmitted pursuant to a contention protocol, will not exceed the off-axis EIRP density limits permissible for a single earth station, as specified in paragraphs (a)(1) through (a)(4) of this section.

(6) Power flux-density (PFD) at the Earth's surface produced by emissions from a space station for all conditions, including clear sky, and for all methods of modulation shall not exceed a level of –118 dBW/m²/MHz, in addition to the limits specified in § 25.208 (d).

(b) Operation with off-axis EIRP density exceeding a relevant envelope specified in paragraph (a) of this section and applications proposing such operation are subject to coordination requirements in § 25.220.

(c)–(e) [Reserved]

(f) The holder of a blanket license pursuant to this section will be responsible for operation of any transceiver to receive service provided by that licensee or provided by another party with the blanket licensee's consent. Space station operators may not transmit communications to or from user transceivers in the United States in the 18.3–18.8 GHz, 19.7–20.2 GHz, 28.35–28.6 GHz, or 29.25–30.0 GHz band unless such communications are authorized under an FCC earth station license.

[65 FR 54169, Sept. 7, 2000, as amended at 66 FR 63515, Dec. 7, 2001; 68 FR 16966, Apr. 8, 2003; 69 FR 5710, Feb. 6, 2004; 73 FR 70900, Nov. 24, 2008; 79 FR 8319, Feb. 12, 2014; 81 FR 55331, Aug. 18, 2016]

§ 25.139 NGSO FSS coordination and information sharing between MVDDS licensees in the 12.2 GHz to 12.7 GHz band.

(a) NGSO FSS licensees shall maintain a subscriber database in a format that can be readily shared with MVDDS licensees for the purpose of determining compliance with the MVDDS transmitting antenna spacing requirement relating to qualifying existing NGSO FSS subscriber receivers set forth in § 101.129 of this chapter. This information shall not be used for purposes other than set forth in § 101.129 of this chapter. Only sufficient information to determine compliance with § 101.129 of this chapter is required.

(b) Within ten business days of receiving notification of the location of a proposed MVDDS transmitting antenna, the NGSO FSS licensee shall provide sufficient information from the database to enable the MVDDS licensee to determine whether the proposed MVDDS transmitting site meets the minimum spacing requirement.

(c) If the location of the proposed MVDDS transmitting antenna site does not meet the separation requirements of § 101.129 of this chapter, then the NGSO FSS licensee shall also indicate to the MVDDS licensee within the same ten day period specified in paragraph (b) of this section whether the proposed MVDDS transmitting site is acceptable at the proposed location.

(d) Nothing in this section shall preclude NGSO FSS and MVDDS licensees from entering into an agreement to accept MVDDS transmitting antenna locations that are shorter-spaced from existing NGSO FSS subscriber receivers than the distance set forth in § 101.129 of this chapter.

[67 FR 43037, June 26, 2002, as amended at 68 FR 43945, July 25, 2003]