

§ 25.138

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serve the United States can have its request placed in a queue pursuant to § 25.158 and considered before later-filed applications of other U.S. satellite system operators, if the non-U.S.-licensed satellite system:

- (1) Is in orbit and operating;
- (2) Has a license from another administration; or
- (3) Has been submitted for coordination to the International Telecommunication Union.

(d) Earth station applicants requesting authority to communicate with a non-U.S.-licensed space station and entities filing a petition for declaratory ruling to access the United States market must demonstrate that the non-U.S.-licensed space station has complied with all applicable Commission requirements for non-U.S.-licensed systems to operate in the United States, including but not limited to the following:

- (1) Milestones;
- (2) Reporting requirements;
- (3) Any other applicable service rules;
- (4) The surety bond requirement in § 25.165, for non-U.S.-licensed space stations that are not in orbit and operating.

(5) Recipients of U.S. market access for NGSO-like satellite operation that have one market access request on file with the Commission in a particular frequency band, or one granted market access request for an unbuilt NGSO-like system in a particular frequency band, will not be permitted to request access to the U.S. market through another NGSO-like system in that frequency band.

(e) An entity requesting access to the United States market through a non-U.S.-licensed space station pursuant to a petition for declaratory ruling may amend its request by submitting an additional petition for declaratory ruling. Such additional petitions will be treated on the same basis as amendments filed by U.S. space station applicants for purposes of determining the order 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 acquires control of a non-U.S.-licensed space station that has been permitted to serve the United States must notify the Commission within 30 days after consummation of the transaction so that the Commission can afford interested parties an opportunity to comment on whether the transaction affected any of the considerations we made when we allowed the satellite operator to enter the U.S. market. A non-U.S.-licensed satellite that has been transferred to new owners may continue to provide service in the United States unless and until the Commission determines otherwise. 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; 81 FR 75344, Oct. 31, 2016]

§ 25.138 Licensing requirements for GSO FSS earth stations in the conventional Ka-band and the 24.75–25.25 GHz band.

(a) Applications for earth station licenses in the GSO FSS in the conventional Ka-band or the 24.75–25.25 GHz 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 $2.0^\circ < \theta \leq 7.0^\circ$
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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) The pfd at the Earth's surface produced by emissions from a space station operating in the conventional Ka-band, 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; 83 FR 34490, July 20, 2018]