

FCC RELEASES PROPOSED NEW SMALLSAT LICENSING RULES

July 17, 2019

I. Executive Summary.

On July 11, 2019, following a period of public comment, the U.S. Federal Communications Commission's ("FCC") International Bureau issued a report and order proposing new licensing rules for small satellites ("smallsats"). Smallsats are a rapidly growing class of orbital satellites generally defined as having a mass less than 180 kg. As smallsats, smaller, lighter, and cheaper to build, insure and launch than traditional satellites have increasingly disrupted the satellite industry, traditionally based on larger, heavier, more expensive spacecraft, the need for a modernized licensing regime has grown. The new rules are intended to address that need. The proposed rules will be voted on by the FCC at its August 1, 2019 open meeting.

II. Background.

As orbiting radio transmitters and receivers, communications and other orbiting satellites are subject to regulation under Title III of the Communications Act of 1934, as amended, which governs radio transmissions as an exclusively federal jurisdiction. Other than Title III, the main body of law and regulation for satellites is to be found in the FCC's rules and regulations, specifically Part 25, 47 CFR. Under Part 25's rules and regulations, satellite projects are required to obtain from the FCC a license for the "space station" (the satellite itself), launch authorization, and a license for the "earth station" (the ground antenna and associated equipment used to communicate with the satellite). These applications have traditionally been relatively complex and expensive to prepare and file, and require, *inter alia*, radio frequency data, orbital location data, spacecraft data, financial qualifications of the applicant, and other information. The existing licensing scheme divides up types of into "geostationary" ("GSO") satellites (those that orbit the earth on the plane of the earth's equator, in the direction of the earth's rotation, and at the 35,786 km (22,235 miles) altitude necessary to remain in an apparently fixed position above the earth's surface; and satellites that are non-geostationary ("NGSO"), in other orbits at other altitudes, such as low-earth orbit ("LEO") and mid-earth orbit ("MEO").

III. The Proposed New Rules.

The proposed new smallsat rules establish a third licensing paradigm to the satellite licensing regime, until now split into one for GSO and NGSO satellites. The new rules provide a new alternative, rather than replace, other existing smallsat licensing procedures for experimental satellites (Part 5, 47 CFR) and amateur satellites (Part 97, 47 CFR).

a. Satellite Systems Eligible. The new streamlined application process can be used by applicants for satellites and satellite systems with the following characteristics:

- Ten or fewer satellites under a single authorization. There is no limit on the number of applications that may be filed.
- Total in-orbit lifetime of any individual satellite under the application of six years or less, including time needed to de-orbit the satellite;
- Maximum individual satellite “wet mass” (fueled with propellant) of 180 kg (the generally accepted maximum weight for smallsats) and at least 10 cm in its smallest dimension;
- Propulsion capabilities to avoid collisions or deployment at below 600 km altitude;
- Satellites will release no planned debris, and the applicant has limited the probability of debris resulting from an accidental explosion or casualty from uncontrolled atmospheric entry; and
- Ability to share use of authorized frequency band with current operations without interference and without materially constraining future satellite entrants seeking to use the frequency band.

b. Fees and Application.

The new streamlined smallsat licensing process will have a \$30,000.00 application fee (compared with fees of up to \$472,000 for GSO and NGSO satellite license applications), and, for a one-year grace period, not require the posting of a surety bond. The application, like

existing satellite applications, will be filed electronically on Form 312 with the FCC's International Bureau.

IV. Conclusion.

The proposed new smallsat rules will facilitate and continue to lower barriers to entry to space, and boost the burgeoning smallsat industry.

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