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FCC Simplifies Access to Non-U.S.-Licensed Satellite Systems

The Federal Communications Commission ("FCC" or "Commission") has simplified the process by which holders of global authorizations under Section 214 of the Communications Act of 1934, as amended, may obtain permission to provide service via non-U.S.-licensed satellite systems. Under the Commission's new policy, holders of global Section 214 authorizations will automatically be granted permission to access a non-U.S.-licensed satellite system as soon as the system's operator has been authorized to provide fixed-satellite service in the United States and the system has been added to a new "Permitted Space Station List" that will be maintained by the FCC's International Bureau.

The Commission's new policy is based on the International Bureau's re-interpretation of its Exclusion List for International Section 214 Authorizations ("Exclusion List"). The Exclusion List identifies countries and facilities that are outside the scope of a global Section 214 authorization. Until recently, the Commission interpreted the Exclusion List to prohibit a carrier from using *any* non-U.S.-licensed satellite system without obtaining a separate Section 214 authorization to do so.

Recently, however, the Commission issued an Order ("*DISCO II Reconsideration Order*" or "*Order*") in which it streamlined the process by which authorized non-U.S.-licensed fixed satellites may serve the U.S. market. Among other things, the Commission held in the *DISCO II Reconsideration Order* that U.S. earth station operators with ALSAT licenses (*i.e.*, licenses permitting the earth station operators to access any U.S.-licensed satellite) will also be permitted to access *non-U.S.-licensed* satellites in order to provide fixed-satellite service in the conventional C- or Ku-bands without further regulatory approval, once such non-U.S.-licensed satellites have been authorized to serve the United States. The Commission also provided in the *Order* that the International Bureau would maintain a list of all such authorized non-U.S.-licensed satellite systems, to be entitled the Permitted Space Station List. Prior to placing a space station on the Permitted Space Station List, the Commission will provide interested parties with the



opportunity to comment on any significant concerns that may be raised by permitting earth station operators with ALSAT licenses to access the space station.

In light of the *Order*, the Commission has concluded that it need not require holders of global Section 214 authorizations to file for and obtain separate Section 214 authorizations in order to provide service via non-U.S.-licensed satellite systems that have been authorized to provide fixed-satellite service in the United States and that appear on the Permitted Space Station List. In the future, therefore, the Commission will interpret the Exclusion List's restriction on the use of non-U.S.-licensed satellite systems to refer only to non-U.S.-licensed satellite systems that are not listed on the Permitted Space Station List. By placing a non-U.S.-licensed satellite system on the Permitted Space Station List, the International Bureau will indicate to holders of global Section 214 authorizations that they are permitted to access that satellite system without obtaining further authority.

The Commission's new interpretation of the Exclusion List was effective on December 22, 1999, simultaneously with the rules established in the *DISCO II Reconsideration Order*.