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SMALL ENTITY COMPLIANCE GUIDE

**Amendment of the Commission's Rules Regarding
Single Network Future: Supplemental Coverage from Space**

FCC 24-28

GN Docket No. 23-65, IB Docket No. 22-271

Released March 15, 2024

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide in the above referenced docket and the appropriateness of its application to a particular situation. The Commission will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Commission may decide to revise this Guide without public notice to reflect changes in its approach to implementing a rule, or it may clarify or update the text of the Guide. Please direct comments and recommendations, or requests for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

In the *SCS Report and Order*, the Commission adopted rules to facilitate the deployment of supplemental coverage from space (SCS) in an effort to serve several important public interest goals for the Nation: expanding access to communications services, particularly emergency services, in order to broaden connectivity and assistance in more remote places; fostering advancements in the United States' space-based technologies; and augmenting our efforts to advance innovative and efficient use of our nation's spectrum resources.¹ To allow for satellite communications on spectrum previously allocated only to terrestrial services, the Commission modified the United States Table of Frequency Allocations to authorize bi-directional, secondary mobile-satellite service operations in certain spectrum bands that have no primary, non-flexible-use legacy incumbents, Federal or non-Federal. For these bands, the Commission authorized SCS only where one or more terrestrial licensees—together holding all licenses on the relevant channel throughout a defined geographically independent area (GIA)—lease access to their spectrum rights to a participating satellite operator, whose license reflects these frequencies and the geographically independent area in which they will offer SCS. In order to not discourage or delay solutions for supplemental satellite coverage that do not fit within the framework, the Commission noted that it would continue to consider waiver or special temporary authority filings on a case-by-case basis. In recognition that this new offering has the potential to bring life-saving connectivity to remote areas, the Commission also applied interim 911 call and text routing requirements to ensure that help is available to those who need it today while the Commission works toward enabling automatic location-based routing of all emergency communications whether or not there is a terrestrial connection available.

II. COMPLIANCE REQUIREMENTS

The *SCS Report and Order* adopted new and amended rules for SCS entry requirements in: part 1, subpart X, which can be found at 47 CFR § 1.9047; part 2, subpart B, which can be found at 47 CFR § 2.106(a), (d)(33)(i); part 9, subpart C, which can be found at 47 CFR § 9.10(a), (t); and part 25, subparts A, B, and C, which can be found at 47 CFR §§ 25.103, 25.109(f), 25.114(a)(4), 25.115(q), 25.1179(j), 25.125(a)-(e), 25.137(b), (f), 25.161(e), 25.202(k), 25.204(g), 25.208(w).

The SCS rules apply where one or more terrestrial licensees—together holding all licenses on the relevant channel throughout a defined GIA—lease access to their spectrum rights to a participating satellite operator, whose part 25 license reflects these frequencies and the GIA in which they will offer SCS in the following bands:

- 600 MHz: 614-652 MHz and 663-698 MHz;
- 700 MHz: 698-769 MHz, 775 MHz-799 MHz, and 805-806 MHz;
- 800 MHz: 824-849 MHz and 869-894 MHz;
- Broadband PCS: 1850-1915 MHz and 1930-1995 MHz; and
- AWS-H Block: 1915-1920 MHz and 1995-2000 MHz.

In an effort to realize the public interest benefits of SCS as soon as possible, while minimizing the risk of harmful interference, the Commission limited SCS authorizations to the following GIAs: (1) the contiguous United States (CONUS); (2) Alaska; (3) Hawaii; (4) American Samoa; (5) Puerto Rico/U.S. Virgin Islands; and (6) Guam/Northern Mariana Islands. To facilitate the implementation of SCS, the Commission adopted the requirements detailed below.

¹ *Single Network Future: Supplemental Coverage from Space*, GN Docket No. 23-65, IB Docket No. 22-271, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-28 (rel. Mar. 15, 2024) (*SCS Report and Order*).

A. Terrestrial Wireless Spectrum Leasing (47 CFR § 1.9047)

1. *Applicability* – A terrestrial licensee may use the Commission’s existing spectrum manager (*see* 47 CFR § 1.9020) or *de facto* transfer (*see* 47 CFR §§ 1.9030 and 1.9035) leasing or subleasing arrangements to enter into a lease with a spectrum lessee in only the bands identified in § 2.106(d)(33)(i) of this chapter for the purpose of meeting the part 25 SCS Entry Criteria. The leasing arrangements may be entered into under a single or multiple co-channel terrestrial licensee format.
 - *Single Terrestrial Licensee* (47 CFR § 1.9047(d)(1)(i)): To meet the SCS entry criteria, a single licensee that holds all co-channel licenses on the relevant band in a GIA may enter into a leasing arrangement with one or more satellite operators.
 - *Multiple Co-Channel Terrestrial Licensees* (47 CFR § 1.9047(d)(1)(ii)): Licensees may also meet the SCS entry criteria where there are multiple co-channel licensees that collectively hold all co-channel licenses in a particular band throughout one of the six GIAs. The licensee may only enter spectrum leasing arrangements where:
 - 1) One licensee holding a license in the GIA must enter into an individual spectrum leasing arrangement with each of the other co-channel licensees in that GIA. The licensee may then enter into a leasing arrangement with one satellite operator; or
 - 2) One satellite operator may enter into individual leasing arrangements with each of the relevant co-channel licensees that together hold all co-channel licenses on the relevant band in the GIA.
2. *Leasing Information Requirements* (47 CFR § 1.9047(d)(2)): The spectrum lessees must provide the following information within the current FCC Form 608:
 - A certification that the parties are entering into the leasing arrangement for the purpose of fulfilling the part 25 Entry Criteria;
 - A description of which method, single or multiple terrestrial licensee, the parties are using to meet the part 25 Entry Criteria; and
 - If the parties are using the spectrum leasing arrangement outlined in 47 CFR § 1.9047(d)(1)(ii), the parties must:
 - 1) Describe the nature of the leasing arrangement(s); and
 - 2) Demonstrate how the entirety of the GIA is covered by the lease arrangement(s).
3. *Subleasing* (47 CFR § 1.9047(f)): Licensees may also meet the SCS entry criteria by entering into subleases. However, subleasing is not permitted for the purpose of authorizing SCS operations where there are multiple terrestrial licensees jointly leasing their co-channel rights in a given GIA pursuant to § 1.9047(d)(1)(ii).
4. *Construction/Performance Requirements* (47 CFR § 1.9047(g)): A licensee engaged in an SCS arrangement may not attribute to itself the build-out or performance activities of its SCS spectrum lessee(s) for purposes of complying with any applicable performance or build-out requirement.

B. 911 Service (47 CFR § 9.10(a), (t))

1. Applicability – 911 Service (47 CFR § 9.10(a))

- The adopted interim 911 requirements apply to CMRS providers excluding mobile satellite service (MSS) operators, to the extent that they:
 - 1) Offer real-time, two way switched voice service that is interconnected with the public switched network; and
 - 2) Use an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.
- These requirements are applicable to entities that offer voice service to consumers by purchasing airtime or capacity at wholesale rates from CMRS licensees.

2. Definitions – (47 CFR § 9.10(t)(1))

- SCS 911 calls – 911 calls (as defined in § 9.3) that are carried over satellite facilities pursuant to a CMRS provider’s SCS arrangement.
- SCS 911 text message – a 911 text message (as defined in paragraph (q)(9) of this section) that is carried over satellite facilities pursuant to a CMRS provider’s SCS arrangement.

3. Call Transmission Requirements – (47 CFR § 9.10(t)(2))

- For purposes of delivering SCS 911 voice calls and SCS 911 text messages, CMRS providers must either:
 - 1) Use information regarding the location of a device, including but not limited to device-based location information, to route SCS 911 voice calls and 911 text messages to an appropriate PSAP and transmit the phone number of the device used to send the SCS 911 voice call or 911 text message and available location information to an appropriate PSAP; or
 - 2) Use an emergency call center, at which emergency call center personnel must determine the emergency caller’s phone number and location and then transfer or otherwise direct the 911 caller to an appropriate PSAP.

4. Certification and Reporting – (47 CFR § 9.10(t)(3)-(4))

- Certification (47 CFR § 9.10(t)(4)): A CMRS provider in an SCS arrangement must certify on a one-time basis that neither they nor any third party they rely on to obtain location information or associated data used for compliance with the call transmission requirements of paragraph (t)(2)(i) or (ii) will use such location information or associated data for any non-911 purpose, except with prior express consent or as otherwise permitted or required by law. The certification must state the CMRS provider and any third parties it relies on to obtain location information or associated data used for compliance with paragraph (t)(2)(i) or (ii) have implemented measures sufficient to safeguard the privacy and security of such location information or associated data. These CMRS providers must

submit this one-time certification in ECFS on the due date of the first report made under paragraph (t)(3) of this section.

- Reporting (47 CFR § 9.10(t)(3)): A CMRS provider in an SCS arrangement must maintain records of all SCS 911 voice calls and text messages received on its network and received at its emergency call center.
 - By October 15 of each year, each CMRS provider must submit a report to the Commission regarding SCS 911 voice calls and 911 text messages, and its emergency call center data, current as of September 30 of that year.
 - These CMRS providers must submit this certification in the FCC's Electronic Comment Filing System (ECFS). These reports must include, at a minimum, the following:
 - 1) The name and address of the CMRS provider, the address of that CMRS provider's emergency call center, and the contact information of the emergency call center;
 - 2) The aggregate number of SCS 911 voice calls and 911 text messages received by the network of the CMRS provider that provides SCS service to its end-user subscribers during each month during the relevant reporting period;
 - 3) The aggregate number of SCS 911 voice calls and 911 text messages received by the emergency call center each month during the relevant reporting period;
 - 4) The aggregate number of SCS 911 voice calls and 911 text messages received by the emergency call center each month during the relevant reporting period that required forwarding to a PSAP and how many did not require forwarding to a PSAP;
 - 5) The aggregate number of SCS 911 voice calls that were routed using location information that met the timeliness and accuracy thresholds defined in paragraphs (s)(3)(i)(A) and (B) of this section;
 - 6) The aggregate number of SCS 911 voice calls and 911 text messages that were routed using location information that did not meet the timeliness and accuracy thresholds defined in paragraphs (s)(3)(i)(A) and (B) of this section; and
 - 7) An explanation of how the SCS deployment, including network architecture, systems, and procedures, will support routing SCS 911 voice calls and 911 text messages to the geographically appropriate PSAP with sufficient location information in compliance with the call transmission requirements of paragraph (t)(2) of this section.
5. *Subscriber Notification* – (47 CFR § 9.10(t)(5)): Each CMRS provider in an SCS arrangement must specifically advise every subscriber, both new and existing, in writing prominently and in plain language, of the circumstances under which 911 service for all SCS 911 calls, or SCS 911 text messages may not be available via SCS or may be in some way limited by comparison to traditional enhanced 911 service.

C. SCS Entry Criteria and Requirements (47 CFR §§ 25.103, 25.109(f), 25.114(a)(4), 25.115(q), 25.117(j), 25.125(a)-(e), 25.137(b), (f), 25.161(e), 25.202(k), 25.204(g), 25.208(w))

1. *Definitions* – (47 CFR §25.103)

- GIA – any of the following six areas: (1) CONUS; (2) Alaska; (3) Hawaii; (4) American Samoa; (5) Puerto Rico/U.S. Virgin Islands; and (6) Guam/Northern Mariana Islands.
- SCS – the provision of coverage to terrestrial wireless subscribers through an arrangement or agreement (see § 1.9047 “special provisions relating to spectrum leasing arrangements involving terrestrial spectrum rights for Supplemental Coverage from Space” of this chapter) between one or more NGSO or GSO operator(s) and one or more terrestrial wireless licensee(s), involving transmissions between space stations and SCS earth stations. NGSO and GSO operators and terrestrial wireless service licensees seeking to provide SCS must be authorized in compliance with the applications for SCS requirements in § 25.125.
- SCS earth station -- any earth station used for the provision of SCS consistent with § 25.115(q).

2. *Applications for Space Station and Earth Station Authorizations*

- Space station applications – (47 CFR § 25.114(a)(4)): A § 25.125 SCS application must be submitted on FCC Form 312, Main Form and Schedule S, with attached exhibits as required by paragraph (d) of this section, and must be a comprehensive proposal.
- Earth station applications – (47 CFR § 25.115(q)): A satellite operator does not need a separate earth station authorization for the provision of SCS. As long as the terrestrial devices connecting to the SCS network are doing so pursuant to an effective part 1 leasing arrangement and operating within the existing parameters of their OET equipment authorization, the terrestrial licensee’s license parameters, and applicable part 22, 24, or 27 rules, then these devices will be licensed as earth stations by rule without the need to file a part 25 earth station application.

3. *Applications for SCS* – (47 CFR §25.125(a)-(e))

- SCS entry criteria – (47 CFR §25.125(a)): An applicant for SCS space station authorization must:
 - 1) Hold an existing part 25 NGSO or GSO license or grant of U.S. market access, or must be seeking a part 25 NGSO or GSO license or grant of market access; and
 - 2) Have a lease arrangement(s) pursuant to § 1.9047 with one or more terrestrial wireless licensees(s) that hold, collectively or individually, all co-channel licenses throughout a GIA in a band identified in § 2.106(d)(33)(i) of this chapter.

- SCS application requirements – (47 CFR §25.125(b)): First, the SCS space station application must include the following certifications:
 - 1) A lease notification(s) or application(s), pursuant to § 1.9047 of this chapter, where a single terrestrial wireless licensee holds or multiple co-channel licensees collectively hold all co-channel licenses within the relevant GIA in the bands identified in § 2.106(d)(33)(i) of this chapter is on file with the Commission;
 - 2) The current part 25 space station licensee or part 25 grantee of market access for NGSO or GSO satellite operation seeks modification of authority to provide SCS in the same geographic areas covered in the relevant GIA, or the applicant for a part 25 space station license or part 25 grant of market access for NGSO or GSO satellite operation seeks to provide SCS in the same geographic areas covered in the relevant GIA; and
 - 3) SCS earth stations will qualify as “licensed by rule” earth stations under § 25.115(q). Second, the application must include a comprehensive proposal for the prospective SCS system on FCC Form 312, Main Form and Schedule S, as described in § 25.114, together with the required certifications and include a list of the file and identification numbers associated with the relevant part 1 leasing notification(s), application(s), and FCC Form 601(s), with a brief description of the coverage areas that will be served, domestically and internationally. These SCS applications will not be subject to the processing round procedures or first-come, first-served procedures in §§ 25.137, 25.157, and 25.158.
- Equipment authorization for SCS earth stations – (47 CFR §25.125(c)): Each SCS earth station used to provide SCS must meet the equipment authorization requirements under § 25.125(e) and all equipment authorization requirements for all intended uses of the device pursuant to the procedures specified in part 2 of this chapter and the requirements of at least one of part(s) 22, 24, or 27 of this chapter.
- Effective date and continued operation – (47 CFR §25.125(d)): SCS authorization will be deemed effective in the Commission’s records and for purposes of the application of the rules in this section after each of the following requirements is satisfied:
 - 1) Grant of a part 25 modification application or grant of market access, or an application to launch and operate or market access;
 - 2) Approval of a part 1 leasing arrangement(s); and (iii) grant of a valid SCS earth station equipment certification under part 2 of this chapter.

4. *Modification and automatic termination of space station authorization*

- Modification – (47 CFR § 25.117(j)): An application for modification of a space station authorization to provide SCS must comply with § 25.125.
- Termination – (47 CFR § 25.161(e)): A space station license to provide SCS will terminate automatically for failure to provide any SCS on all or some of the SCS

authorized frequencies for more than 90 days in the event of termination of the lease arrangement(s) specified in the SCS entry criteria. In this instance, the license will be terminated in whole or in part with respect to the particular frequencies on which SCS has not been operational for more than 90 days in the United States.

5. *Technical requirements.* Space and earth stations providing SCS are subject to the technical rules in parts 2, 22, 24, and 27 of this chapter where applicable – (47 CFR § 25.109(f)).
- Frequencies, frequency tolerance, and emission limits – (47 CFR § 25.202(k)): For space station downlinks operating as SCS, (i) the aggregation of all the downlink emissions outside a licensee’s SCS frequency band(s) of operation must not exceed a power flux density of -120 dBW/m²/MHz at 1.5 meters above ground level; and (ii) if any emissions from a transmitter operating in the SCS service results in harmful interference to users of another radio service, the FCC may require a greater attenuation of the emission than specified in this section.
 - Power and out-of-band emission limits for earth stations – (47 CFR § 25.204(g)): Earth stations providing SCS must comply with the power requirements and out-of-band emissions limits corresponding to devices operating in parts 22, 24, or 27 of this chapter (e.g., §§ 22.913, 24.232, 27.50), as required for their operating frequencies.
 - Power flux-density and in-band field strength limits – (47 CFR § 25.208(w)): The aggregate field strength at the earth’s surface produced by all visible beams and satellites within each satellite constellation providing SCS as they move over any given point or area must meet:
 - 1) 40 dBμV/m for the 600 MHz, 700 MHz, and 800 MHz bands;
 - 2) 47 dBμV/m for the AWS and PCS bands; and
 - 3) Licensees must comply with all applicable provisions and requirements of treaties and other international agreements between the United States government and the governments of other countries, including Canada and Mexico. Absent specific international agreements regarding SCS, licensees must comply with the above limitations.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The rules adopted in the SCS Report and Order contain new or modified information collection requirements for terrestrial licensees and satellite operators. The details and specifics of the reporting and recordkeeping requirements adopted in the SCS Report and Order are discussed in Section II of this guide under the Compliance Requirements.

IV. IMPLEMENTATION DATE

The following rules in the *SCS Report and Order* became effective on May 30, 2024: 47 CFR § 1.9047(a)-(d)(1), (e)-(g); 47 CFR § 2.106(a), (d)(33); 47 CFR § 9.10(a), (t)(1) through (2); and 47 CFR §§ 25.103, 25.109(f), 25.114(a)(4), 25.115(q), 25.1179(j), 25.125(a), (b)(3), (d)-(e), 25.137(b), (f), 25.161(e), 25.202(k), 25.204(g), 25.208(w)).

The following rules in the *SCS Report and Order* require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act: 47 CFR § 1.9047(d)(2), 47 CFR § 9.10(t)(3) through (5), and 47 CFR § 25.125(b)(1) and (2) and (c). These rules shall become effective after the Commission publishes a notice in the Federal Register announcing OMB approval and the relevant effective date.

V. INTERNET LINKS

A copy of the *SCS Report and Order*, is available at:
<https://docs.fcc.gov/public/attachments/FCC-24-28A1.pdf>

A copy of the *Erratum* is available at:
<https://docs.fcc.gov/public/attachments/DOC-401934A1.pdf>

A copy of the Federal Register Summary of the *SCS Report and Order* is available at:
<https://www.govinfo.gov/content/pkg/FR-2024-04-30/pdf/2024-06669.pdf>