



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

November 5, 2024
Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Written *Ex Parte* Presentation of Department of the Air Force and Navy in Response to Second Further Notice of Proposed Rulemaking on the Allocation of Spectrum for Non-Federal Space Launch Operations; ET Docket 13-115

Dear Ms. Dortch:

The National Telecommunications and Information Administration (NTIA), consistent with its responsibility to ensure that the views of the Executive Branch on telecommunications matters are effectively presented to the Commission,¹ provides these comments reflecting the views of the Department of the Air Force (DAF) and the Department of the Navy (DON) in response to the above referenced Second Further Notice of Proposed Rulemaking (Second Further Notice).²

DAF and DON commend the FCC for taking steps toward establishing a spectrum allocation and licensing framework that provides regulatory certainty and improved efficiency for commercial space launch operations, while ensuring the protection of important federal uses. To advance that objective, DAF recommends that the FCC adopt footnotes USxxx, USyyy, and USzzz as proposed in the *Second Further Notice* without expansions sought by commenting operators. DAF also urges the FCC to reject proposals to permit space-to-space operations between habitable or between habitable and non-habitable space stations in the 18.1–18.6 GHz and 18.8–20.2 GHz bands. DAF and DON both express concern about allocating the 1435–1525 MHz band for non-Federal space launches.

¹ See 47 U.S.C. § 902(b)(2)(j).

² *Allocation of Spectrum for Non-Federal Space Launch Operations et al.*, Second Report and Order and Second Further Notice of Proposed Rulemaking, 36 FCC Rcd. 7764 (rel. Sept. 22, 2023) (*Second Report and Order* and *Second Further Notice*).

In the Second Further Notice, the FCC proposed the addition of three footnotes to the U.S. Table of Allocations to address use of spectrum by manned and unmanned missions.³ The DAF supports the addition of these three footnotes as proposed to ensure appropriate protection of important incumbent uses. The DAF opposes proposals from certain commenters to modify the FCC's proposals.

First, the DAF opposes the record proposal to expand emergency situations contained in proposed footnote USxxx to include "critical operations."⁴ As proposed by the FCC, footnote USxxx recognizes the limited nature of emergency communications; which should happen infrequently. However, the Space Commenters proposal to expand this exception to "critical operations" could open this footnote to a myriad of uses potentially resulting in interference to other uses of the band. In addition, the 2025-2110 MHz band is already shared between Federal and non-Federal users and is used by the U.S. Department of Defense (DoD) for satellite uplinks, cross-links and a variety of terrestrial operations.⁵ The DAF believes that the addition of non-emergency non-Federal communications to this band would create a greater risk to these communications.

Further, DAF continues to support proposed footnotes USyyy and USzzz. DAF urges the FCC to reject comments for expanding the footnotes to include any manned or habitable space station.⁶ It is critical that these footnotes remain narrowly drawn to support government and authorized commercial missions to the International Space Station (ISS). These NASA-associated missions are limited in quantity and duration, and so do not result in a significant level of congestion in the specific identified segments of the 2200-2290 MHz band. While manned space operations are still nascent, future growth is expected that could lead to congestion in these bands. Instead, the advocates should utilize frequency bands that are allocated to commercial use to support manned/habitable use by the commercial industry.

The DAF also notes Vast Space's comments recommending space-to-space communications between habitable or between habitable and non-habitable space stations be authorized in the 18.1–18.6 GHz and 18.8–20.2 GHz bands.⁷ This would result in an expansion for the use of this band beyond what was contemplated by the recent 2023 World Radiocommunications Conference action. These frequency bands are already shared between Federal fixed satellite service (FSS), non-Federal FSS, non-Federal mobile satellite service

³ Second Further Notice at para. 159, *et seq.*

⁴ See Comments of Sierra Space Corporation, *et al.*, ET Docket 13-115 at 2 (filed Mar. 4, 2024); Reply Comments of Vast *et al.*, ET Docket 13-115 (filed Apr. 1, 2024) (Space Commenters Reply Comments). Sierra Space Corporation and the "Free Flyers," including Vast Space, LLC, Sierra Space Corporation, Voyager Space Holdings, Inc., Starlab Space LLC, and Space Exploration Holdings, LLC, are hereinafter referred to as the "Space Commenters."

⁵ See 47 CFR § 2.106.

⁶ See Space Commenters Reply Comments at 3-4.

⁷ See Comments of Vast Space, LLC, ET Docket 13-115 at 12 (filed Mar. 4, 2024).

(MSS) (portions) in the space-to-Earth direction, and other uses, with Federal FSS use restricted to military use by the G117 footnote.⁸ Additionally, the bands are subject to the US334 footnote, including specific FCC-NTIA coordination provisions that would need to be extended to cover new space-to-space operations where required.⁹ Accordingly, Vast Space's proposal is not ripe for FCC action in this proceeding and would require significant analysis including appropriate notice and comment for it to go forward.

Like the Aerospace and Flight Test Radio Coordinating Council (AFTRCC), DAF and DON have concerns about allocating the 1435-1525 MHz band for non-Federal space launches.¹⁰ Use of this spectrum for commercial space launch use would create an untenable situation for DoD Ranges who have daily use in the AFTRCC band and whose systems cannot tolerate interference due to the very sensitive nature of AMT receivers and the safety-of-life aspect of the band. The current complexities of existing coordination between federal and non-federal entities, existing congested and contested usage, and the increased EMI environment which expanded commercial use would impose further elaborates these agencies' non-concur position.

DAF and DON respectfully request the Commission consider the information in this filing as it develops the outcome of this important FNPRM and looks forward to working collaboratively to achieve the objectives of this proceeding.

Respectfully submitted,

Stephanie Weiner

Charles Cooper
Associate Administrator

Jennifer A. Manner
Senior Advisor, Space and Satellite Policy

⁸ See 47 CFR § 2.106, n.G117.

⁹ See *id.*, n.US334.

¹⁰ See Comments of Aerospace and Flight Test Radio Coordinating Council, Inc. ET Docket 13-115 at 12 (filed Mar. 4, 2024).