



By Raul Magallanes

## Temporary Authorizations for Extraordinary Circumstances

**Good rules foster stability**, but great rules embrace turbulence. When emergencies and natural disasters come knocking, it is difficult to follow proper protocol in regulatory compliance. For this reason, the U.S. Federal Communications Commission (FCC) provides an avenue to obtain quick authorizations that would be time-consuming to obtain under normal circumstances.

These quick permits, called Special Temporary Authorizations (STA), can be requested from the FCC to perform an activity for which the applicant would otherwise have no authority. For example, a satellite operator wanting to operate at a different orbital slot or downlink with higher power while an application for permanent authority is being processed; or a service provider wanting to operate a VSAT terminal at an unlicensed location to run some tests.

To better understand what an STA is, it helps to define what it is not. An STA is not a deviation from the rules. That would be a waiver. Further, an STA is not a license to run temporary experiments. That would be an experimental license. Waivers and experimental licenses can be requested under a different set of circumstances.

### When Can Temporary Authorizations Be Granted?

According to the FCC, an STA can be granted in cases of extraordinary circumstances where denying the grant would seriously prejudice the public interest. This is a very simple definition but leaves lots of room for interpretation. What constitutes an extraordinary circumstance? What is meant by the public interest?

The phrase “extraordinary circumstances” need not be limited to hurricanes and other natural disasters. Less drastic events can qualify as well, such as performing temporary testing or “burn-in” of equipment where the test site will not be used as a permanent site. Also, operations in remote areas (e.g. offshore or the mountains), where a satellite link is the only means of communications, can qualify as an extraordinary circumstance.

The “public interest” is another one of those phrases that is somewhat ambiguous, however, when it comes to STAs, protection from harmful interference as well as public safety rank high in the list of public interest concerns. An STA for a system wishing to operate on a shared band, like C-band, most likely will require evidence that the granting of the STA will not cause harmful interference to incumbent systems.

The evidence usually takes the form of a preliminary interference analysis, so, yes, there is room for argument when it comes to definitions, but there is one situation where the FCC is very clear: an STA application for the convenience of the applicant, such as meeting an in-service deadline, will not be granted.

### How Long Do STAs Last?

The length of the STA depends on several factors, including whether the STA is accompanied by an application for permanent authority and whether the STA has been subject to public notice. STA's are given for varying lengths of time:

- 180 days if the STA application is placed on public notice
- 60 days if the STA applicant plans to apply for a permanent authorization
- 30 days if the STA applicant does not plan to apply for a permanent authorization.

### Summary

There is some flexibility in determining the circumstances in which it is appropriate to request temporary authorizations from the FCC. Remember that a temporary authorization should not be viewed as the solution to poor planning but the privilege to operate lawfully in extraordinary circumstances where time is of the essence. Moreover, the public interest is always the focal point of an STA evaluation. ▣

*Raul Magallanes runs a Houston-based law firm focusing on telecommunications law. He may be reached at +1 (281) 317-1397 or by email at raul@rmtelecomlaw.com.*