TELECOMMUNICATIONS LAW
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FCC OKs Use of White Spaces

The U.S. Federal Communications Commission (FCC) made available unused portions of the television frequencies known as "white spaces" to deliver wireless broadband service.

Under the FCC order, white spaces may be used on a secondary basis without the need to apply for an FCC license.

The FCC reasoned that the new rules will help promote the development of innovative devices to take advantage of unused spectrum to provide broadband data and other services for consumers and businesses.

Globalstar Gets FCC Waiver for ATC

The FCC waived certain regulatory requirements for Globalstar, LLC to offer WiMax services over Mobilie Satellite Service (MSS) frequencies. Thus, Globalstar will offer wireless terrestrial services as an Ancillary Terrestrial Component (ATC) to its MSS offering.

Typically, an MSS operator may offer ATC services only upon meeting FCC-defined entry requirements such as the ability to provide dual-mode (satellite and wireless) handsets, owning their own satellites, and providing substantial satellite service to the public.

In this case, the FCC waived certain of these requirements so that Globalstar could take advantage of a multi-million dollar loan commitment to provide services to the rural community.

What is Station Keeping?

The term "station keeping" is often referred to the maintaining of satellites in their intended orbital location. Geostationary satellites (those that travel at approximately the same rate as the earth's axial rotation and appear stationary in the sky) will slowly drift from their intended orbital location due to gravitational and other forces. To counter this drift, operators responsible for station keeping will fire jets within the satellite to place the satellite back to its nominal position. (*Continued on Page 2*)

Did You Know The Law Office of Raul Magallanes publishes a monthly regulatory column in Via Satellite magazine?

The online version can be viewed at www.viasatellite-digital.com.

On Your Radar Screen DTV Transition is due to take place February 17, 2009.

In this issue:

Facts of Interest:

- The US Telecommunications Act outlines the requirements for foreign ownership of FCC licenses.
- Intrastate telecommunications is regulated by Public Utility Commissions (PUC) in each of the 50 states in the U.S.

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What is Station Keeping (continued)

The firing of jets for station keeping purposes is done once every 2 or 3 weeks to conserve fuel.

Satellites in the C-band must be kept within 0.1 degree of their designated longitude, while satellites in the Ku-band must be kept within 0.05 degrees. Satellites not only drift in longitude, but also in latitude. It is believed that the inclination of satellites drifts nearly 0.85 degrees per year. This deviation must also be corrected by station keeping activities.

The range of permitted deviation in satellite drift is commonly called the satellite box. The dimensions of the satellite box vary whether the band is C or Ku. The positional uncertainty of the satellite also introduces an uncertainty in the signal propagation time from earth station to satellite and vice versa.

FCC Grants Waiver for Ultra Wide Band Operation

Ultra Wide Band (UWB) systems are used for surveillance, typically using transmitters buried 6-8 inches below the ground and every 65 feet around the protected perimeter. Under current rules, UWB surveillance is contained to the 1990 to 10,600MHz frequency range.

UltraVision Security Systems, Inc. has been granted an FCC waiver to operate in the 80-600MHz frequency band. This band is currently reserved for Part 90 systems such as conventional VHF, aircraft and marine VHF, EPRBs, etc.

Before the waiver to Ultravision, only UWB ground penetrating radars and certain wall-to-wall imaging devices were allowed to operate below 960MHz. UWB surveillance was not an application allowed below 960MHz. With this waiver, UltraVision Security Systems will be able to market UWB surveillance systems in the 80-600MHz.

The Future of USF

There is currently talk in the FCC halls regarding modifying the current system of Universal Service Fund (USF) from revenue-based to line-based.

What this means is that USF contributors would pay into the USF fund based on the number of telephone numbers a carrier provides to its customers, rather than the telecommunications revenue it collects from customers.

This system would greatly simplify the current rules and would require a carrier to contribute a dollar amount per each customer phone number. Proponents of the new system include large carriers like AT&T and Verizon who argue that the existing system is no longer suitable in today's marketplace.

However, as with anything else, the proposed system is not without opposition. Contenders argue that a line-based system would ultimately harm consumers with only one or a few lines since their percentage of USF contribution would be higher than it is under the existing system. Some say that this could constitute a 1,000% increase.

FCC Chairman Martin Resigns

FCC Chairman Kevin Martin has announced its resignation effective January 20, 2009. In his own words, Chairman Martin's stated that while at the FCC he had a philosophy of "pursuing deregulation while paying close attention to its impact on consumers and the particulars of a given market, to balance deregulation with consumer protection."

During his tenure at the FCC, Chairman Martin promoted broadband growth, broadband investment, and broadband data collection. He also tried make available spectrum for wireless broadband use including the 700MHz auction, the largest in FCC history; and the TV white spaces. Other major accomplishments included making Local Number Portability (LNP) possible. On the other hand, under Chairman Martin's tenure, the FCC issued over $150 million in fines, most under any Chairman.