



Homeland Security

October 04, 2004

Mr. Michael D. Gallagher
Assistant Secretary for Communications and Information
National Telecommunications and Information Administration
Herbert C. Hoover Building / U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Mr. Gallagher:

I'm writing to you on a regulatory issue concerning Fixed-Satellite Service (FSS) earth stations utilized by DHS that currently have minimal domestic regulatory status. I'd like to work with you on changing that policy and regulatory status to reflect the critical domestic infrastructure capabilities these FSS terminals provide.

Specifically, DHS uses, through the Federal Emergency Management Agency, two large government-owned satellite earth stations as well as a significant number of smaller vehicle mounted and portable FSS earth stations that operate in the Ku-band (11.7-12.2 / 14.0-14.5 GHz) on commercial FSS space networks. These FSS terminals are crucial in meeting real-time telecommunications requirements during both natural and man-made disasters. Government-owned and operated, these earth stations fully comply with statutes* detailing their utilization, yet they do not have any protection 'status' within their operational radio frequency spectrum.

We've followed these statutes and invested significantly, both monetarily and operationally, in these earth stations and plan to continue with our investment. However, we urgently need to upgrade their regulatory status to ensure protection from harmful radio frequency interference. I need your valuable assistance in securing parity with non-Government allocated services so Government earth stations are treated on an equitable 'co-primary' basis. NTIA has already, in a letter to the FCC, suggested the necessary modifications to the domestic Table of Frequency Allocations. The regulatory status has not changed.

I request your expeditious consideration of our request; my point-of-contact is Mr. Ralph Robles of the Wireless Management Office, 703-502-5582 or Ralph.Robles@dhs.gov.

Sincerely,

A handwritten signature in black ink that reads "Lee Holcomb".

Lee Holcomb
Chief Technology Officer

* See Communications Satellite Act of 1962 and the NTIA Manual, Section 2.3.3 'Government Use of Commercial Telecommunication Service'



ASSISTANT SECRETARY OF DEFENSE
6000 DEFENSE PENTAGON
WASHINGTON, DC 20301-6000

NETWORKS AND INFORMATION
INTEGRATION

9 Sep 2004

Mr. Ed Thomas
Chief, Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Dear Ed:

Per our past discussion, the Department of Defense (DoD) requests your consideration on granting regulatory status for DoD owned terminals to access commercial satellite systems. DoD requires continued access to non-Government satellite capacity using DoD owned and/or operated earth terminals for training at United States and possessions (US&P) installations. These operations support overseas deployments, reach back capacity for communications, sensor data, and homeland security. Our current operations employ primarily the Fixed-Satellite Service (FSS) and Mobile Satellite Service (MSS) frequency bands (3700-4200 MHz, 5925-6425 MHz, 11.7-12.2 GHz, 14.0-14.5 GHz, and as capacity becomes available in the bands 17.7-20.2 GHz, 27.5-30 GHz, and above 30 GHz).

DoD is not seeking any preemption capability over non-Government terrestrial or satellite operations but is only seeking equal regulatory status with non-Government operations in the bands mentioned in the paragraph above. In addition to the necessary regulatory modifications to support the above, the Department would welcome establishing a Memorandum of Agreement (MOA) between the DoD and the Federal Communication Commission (FCC) that will facilitate DoD use of commercial satellite capacity in the US&P, and will provide needed assurances to protect commercial users from DoD operations.

I look forward to working with you and your staff to resolve this issue and appreciate the personal interest you have shown in addressing our needs. My point of contact on this issue is Mr. Badri Younes, (703) 607-0715, badri.younes@osd.mil

Sincerely,

Linton Wells II
Acting

cc:
Mr. Mike Gallagher, DoC





U.S. Department of Justice
Justice Management Division

Washington, D.C. 20530

OCT 13 2004

The Honorable Michael Gallagher
Assistant Secretary for Communications
and Information
U.S. Department of Commerce
Washington, D.C. 20230

Dear Mr. Gallagher:

I request your assistance to address current regulatory constraints affecting Department of Justice use of Fixed-Satellite Services (FSS) in support of federal law enforcement activities. Specifically, the Department seeks regulatory parity with non-Government FSS earth station licensees so that the Department's FSS earth station frequency assignments are treated on a "co-primary" basis for interference purposes.

For example, the Department has made a substantial investment in the Federal Bureau of Investigation's (FBI's) Trilogy project, a recently-deployed nationwide data telecommunications network. This network connects 56 field offices using Government-owned FSS earth stations linking to commercial FSS space networks. The FBI determined that Government purchase of the earth stations, rather than lease from commercial service providers licensed by the Federal Communications Commission (FCC), was necessary to maintain control and access to the network, as well as to achieve significant cost savings. Through Trilogy, the FBI has the capability to rapidly and securely transfer information nationwide to support its diverse and expanding law enforcement responsibilities.

By arrangement with the FCC and NTIA, the Department applies to NTIA for the use of FSS frequencies and those frequency assignments are entered into the Government Master File. Because FSS operate in a commercial band licensed by the FCC, NTIA makes the assignments subject to the Department's non-interference to primary commercial users. The Department's FSS assignments have no regulatory status to protect them from interference from FCC licensees. In other words, an earlier FSS assignment to the Department that supports critical law enforcement and national security needs must yield to later commercial assignments. Although Trilogy is the Department's primary use of FSS earth stations it owns, there may be other needs in the future. I understand that other civilian and military agencies that own, rather than lease, FSS earth stations are similarly situated.

The Department would like your assistance to secure regulatory parity for its FSS earth station assignments so that they are treated on a "co-primary" basis with other primary users of the band.

I request your consideration of this request at your earliest convenience. My point of contact on this issue is Ms. Merri Jo Gamble, Wireless Management Office, 703-322-1666 or merri.jo.gamble@usdoj.gov.

Sincerely,

A handwritten signature in cursive script that reads "Vance E. Hitch".

Vance E. Hitch
Chief Information Officer



U.S. Department
of Transportation

**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

OCT 21 2004

Mr. Michael Gallagher
Administrator, National Telecommunications and
Information Administration
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Mr. Gallagher:

We want to request, through the National Telecommunications and Information Administration (NTIA), spectrum usage protection, and on-going licensing support, from the Federal Communications Commission (FCC) for the Federal Aviation Administration (FAA) Alaskan National Airspace Interfacility Communications System (ANICS) earth station operations.

The FAA leases service from satellite service provider, Arrowhead Global Solutions, to support ANICS. We utilize commercial satellite service in Alaska to satisfy critical safety of flight communication service requirements there. Specifically, in 1994 we purchased and licensed 39 earth stations for operation within the ANICS system. Subsequently, we purchased and placed in operation an additional 13 stations, which have been registered through the NTIA. The Alaskan Region has voiced a requirement for an additional 12 stations. All stations have been properly coordinated, including the completion of site surveys, path analysis, and other general coordination.

At the 1560th IRAC meeting, September 27, 1994, the FCC IRAC representative stated that the FCC Common Carrier Bureau would grant and issue a waiver to protect the operations of FAA ANICS earth stations in Alaska. This public notice was never issued. The FAA subsequently communicated this need to the FCC in the 1997 and 1998 time periods to no avail. We need this spectrum usage protection for the services provided by these stations. A critical point in time is now approaching: all 39 original licenses will expire in 2006, and we have an on-going requirement for the service provided by these earth stations. The FAA already has a significant investment in earth stations. To go through a private vendor to gain continued access to the communication services through a leased service agreement would place a large financial burden on the FAA.

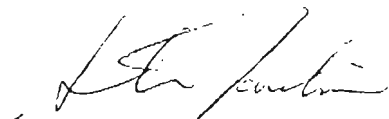
We believe that the FAA usage of non-Government spectrum, as stated above, is wholly consistent with the Telecommunications Policy of the NTIA, as set forth in Section 2.3.3 of the NTIA Manual, which states in part: "The Federal Government places heavy reliance on the private sector in providing telecommunication services for its own use.

This means that all functions normally associated with providing the service shall be performed by the private sector." It further states "The Government shall establish separate communication satellite systems only when they are required to meet unique government needs, or are otherwise required in the national interest."

It is not unprecedented that spectrum allocated for the exclusive use by the Federal Government or the non-Federal Government is made available for the others use. For example, LoJack, a non-Federal stolen vehicle recovery system, operates in exclusive Federal Government spectrum. Our requirements for access to a limited amount of spectrum, in one geographic area, and for a single satellite system can be accommodated on a case-by-case basis.

Please contact Mr. George K. Sakai, Director, ATC Spectrum Engineering Services, at (202) 267-9710 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Zaidman", written over a horizontal line.

Steve Zaidman
Vice President, Technical Operations Services



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL WEATHER SERVICE
1325 East-West Highway
Silver Spring, Maryland 20910-3283

OCT 20 2004

Mr. Fredrick Wentland
Associate Administrator
National Telecommunications and Information Administration
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Wentland:

I am writing to support proposals, currently under discussion between National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission allowing the Government to operate earth terminals accessing commercial satellite systems on a primary, protected basis in commercial bands. Commercial satellite usage policy from the Manual of Regulations and Procedures for Federal Radio Frequency Management specifically states, "The Government shall establish separate communication satellite systems only when they are required to meet unique government needs, or are otherwise required in the National interest." However, commercial communication satellites typically operate in bands not allocated to Government satellite systems, and government earth terminals are forced to operate on a non-interference basis even when using commercial satellites in accordance with NTIA policy. The goal of avoiding competition with industry is often frustrated by agencies' need for operational control of their own links, or may be rendered more expensive by the need to engage contractors to license and operate terminals were the existing Federal operating procedure and protection from interference not an issue.

National Oceanographic and Atmospheric Administration's (NOAA) National Weather Service (NWS) has used commercial satellite services for many years to meet operational requirements for data dissemination. At least two major programs – the International Satellite Communications System and the NOAA Weather Wire Service – rely on commercial satellites. Other programs are exploring use of communication satellite systems as the most cost-effective and reliable solution for data dissemination, including an alerting network in support of the Tsunami Warning Center, the National Dissemination Network, and the NOAA All Hazard Weather Radio. With these data dissemination networks providing hazard warnings in support of homeland security, a highly reliable and re-configurable data feed to NWS local transmitters is necessary. NWS licensed its earth stations commercially to gain the protection from interference and meet our operational mission. However, this solution may not be the most cost effective solution and may not provide full Government control/access of systems required by the Department of Homeland Security.

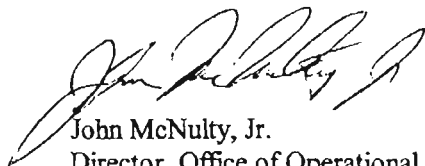


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NOAA's NWS would greatly appreciate your efforts in facilitating cost-effective and efficient use of commercial satellite networks by the Government. If you have any questions, please contact David Franc, Radio Spectrum Manager, at 301-713-1841 x130.

Sincerely,

A handwritten signature in black ink, appearing to read "John McNulty, Jr.", written in a cursive style.

John McNulty, Jr.
Director, Office of Operational Systems