



Satellite And Telecommunications (SAT) Streamlining Act

Section by Section Analysis

Summary

- This legislation modernizes the existing satellite licensing process at the Federal Communications Commission (FCC) by clarifying the agency's satellite licensing authorities under the Communications Act of 1934 and streamlining that process. The legislation also establishes a framework for next-generation satellite communications networks to operate responsibly in space.

Section 1. Short Title.

- This section names the bill the "Satellite and Telecommunications Streamlining Act" or the "SAT Streamlining Act."

Section 2. Authority Regarding Certain Licenses.

- Subsection (a) amends Title III of the Communications Act of 1934 (the Act) to establish a new section 346 to clarify existing authorities and provide additional authority to the FCC for processing licenses of Non-Geostationary Orbit (NGSO) and Geostationary Orbit (GSO) satellite communications systems and associated Earth station licenses.
- Subsection (b) makes technical and conforming amendments to the Act to reflect the changes made by the new section 346 established by subsection (a).
- Subsection (c) provides that the amendments made by section 346 for NGSO, GSO, and Earth station applicants do not take effect until on or after the date of enactment of the SAT Streamlining Act.

Detailed Summary of New Section 346 of the Act, established by Section 2(a) of the SAT Streamlining Act.

- Subsection (a)(1) of the SAT Streamlining Act would require the FCC to establish rules within 18 months to implement various provisions of the new section. This subsection would apply to all NGSO applications for a license under subsection (b) and all NGSO applications for a grant of market access under subsection (c), and some provisions would apply to GSO applications. The FCC's rules must include:
 - Specific, measurable, and technology-neutral performance objectives for space safety and orbital debris;
 - Specific modifications or classes of modifications that warrant expedited review;
 - How the FCC should be notified of very minor modifications;
 - How grandfathered satellite systems are required to notify the FCC of modification requests;
 - Specific actions taken by a licensee that constitute a failure to coordinate shared spectrum in good faith;
 - A quantifiable level of interference protection for NGSO satellite systems;
 - Interim rules for grandfathered spectrum rights for certain NGSO satellite systems; and
 - Reportable foreign ownership that triggers a national security review of satellite applications.
- Subsection (a)(2) provides that with respect to the rules that establish technology neutral, measurable performance objectives for space safety and orbital debris, the FCC may not establish a performance objective that conflicts with any standard practice adopted by the Secretary of Commerce.

- Subsection (b) establishes a 1-year shot clock for approval or denial of NGSO and GSO applications, except for applications that are subject to tolling under subsection (m) or national security review under subsection (n).
 - Subsection (b) also requires NGSO and GSO applicants, as part of their application, to submit performance metrics with respect to the frequencies and transmission power to be used and a demonstration of compliance with the performance objectives established in the FCC's rules under subsection (a).
 - Subsection (b) provides that an initial license term may be no more than 15 years.
 - Finally, subsection (b)(6) establishes a streamlined approval process for small, FCC-licensed NGSO systems that meet additional, stringent requirements.
- Subsection (c) provides that the FCC may grant petitions for market access by a foreign-licensed NGSO or GSO system. Subsection (c) requires the FCC to grant NGSO applications for a grant of market access subject to the same performance metrics and compliance required by applicants for a license under subsection (b). Finally, subsection (c) provides that an initial grant of market access term may be no more than 15 years.
- Subsection (d) requires the FCC to grant authorizations for individually licensed Earth stations that receive a signal from an NGSO or GSO system approved by the FCC (including gateway stations) within 1 year of receiving the application. Subsection (d) also requires the FCC to grant authorizations for receive-only Earth stations that receive a signal from an NGSO or GSO system approved by the FCC within 30 days of receiving the application. The FCC would be permitted to pause these shot clocks if an application is subject to tolling under subsection (m) or national security review under subsection (n). Additionally, applications for individually licensed Earth stations (including gateway stations) and receive-only Earth stations would be deemed granted if the FCC fails to act on the application within the deadline, except in the case where subsections (m) or (n) are triggered by the FCC.
- Subsection (e) establishes the FCC's public interest authority to grant an application, modification or renewal of NGSO systems, GSO systems, and Earth stations. In determining whether an application, modification, or renewal of an NGSO license or grant of market access is in the public interest, the FCC is required to determine if the quantifiable level of protection established under subsection (h)(4) is satisfied. Additionally, for NGSO licenses or grants of market access that are required by the International Telecommunication Union (ITU) to protect radioastronomy observatories, the FCC must find that such observatories are protected in determining whether an application, modification, or renewal for any license or grant of market access is in the public interest.
- Subsection (f) requires the FCC to renew a license or grant of market access for an NGSO system, GSO system, or Earth station previously approved by the Commission for a term not to exceed the initial term of the license or grant of market access if it meets the renewal requirements in section 309(k) of the Act and subsection (e). Subsection (f) also requires the FCC to grant or deny a renewal application within 180 days.
- Subsection (g) establishes the FCC's authority to approve modifications to NGSO systems, GSO systems, or Earth stations granted under subsections (b), (c), and (d). The FCC would be required to approve or deny major modifications to an FCC-licensed NGSO system within 1 year and may approve major modifications to other systems. In both cases, the FCC would determine modifications in the public interest established in subsection (e), and any applicable shot clocks would be subject to tolling under subsection (m) and national security review under subsection (n)



- Subsection (g)(2)(A) would also streamline the process for FCC-licensed NGSO systems to make minor modifications if the modification does not exceed the quantifiable level of protection in subsection (h)(4) and the request is limited to modifications, or a class of modifications that:
 - Increase transmission capacity;
 - Improve spectral efficiency, such as by improving compression technologies;
 - Improve the orbital variance efficiency of the constellation; or
 - Otherwise do not substantially modify the constellation.
- Subsection (g)(2)(B) would streamline the process for FCC-licensed GSO systems to make minor modifications if the FCC determines in the rulemaking under subsection (a)(1)(B) that the modification is minor and the request is limited to modifications, or a class of modifications that:
 - Increase transmission capacity;
 - Improve spectral efficiency, such as by improving compression technologies; or
 - Otherwise does not substantially modify the space station or space stations authorized by the license.
- Subsection (g)(3) provides that the FCC may approve emergency modifications in limited circumstances. The FCC may approve an emergency modification if there are extraordinary circumstances requiring temporary operations in the public interest and that delay in approving those temporary operations would seriously prejudice the public interest. However, the FCC may only grant emergency modifications for up to 180 days and is required to include a statement of the reasons the Commission is approving the modification. The FCC would be permitted to extend an emergency modification for no more than 180 days at a time, and petitions for rehearing are required to get expeditious treatment.
- Subsection (g)(4) prohibits the FCC from considering modification requests to add an ancillary terrestrial component or modification requests to change the service provided between fixed satellite service and mobile satellite services as minor modifications for streamlined treatment. Such modifications could be considered by the FCC as major modifications.
- Subsection (g)(5) clarifies the FCC's authority to automatically grant a request to replace one space station (or a component of such space station) or one Earth station (or component of such Earth station) with a technically similar space station or Earth station (or component) that was previously approved by the Commission upon notification by the applicant to the FCC.
- Finally, Subsection (g)(6) provides that the deadlines for major and minor modifications may be extended for applications subject to national security review under subsection (n).
- Subsection (h) establishes protections from harmful interference for NGSO systems approved under subsections (b) and (c) and directs the FCC to establish a quantifiable level of protection.
 - Subsection (h)(1) grandfathers both certain existing licenses or grants of market access for NGSO systems and pending applications for such licenses or grants of market access pending in a processing round that was established as of December 31, 2022. As a result, licenses or grants of market access granted in a processing round established by the FCC prior to December 31, 2022 would not be treated as licensed under section 346 and would retain their protection from harmful interference consistent with the terms of such protection afforded before the date of enactment of the SAT Streamlining Act until the earliest of:
 - 15 years;
 - The expiration of the grandfathered license or grant of market access; or
 - The date on which a grandfathered license or grant of market access receives FCC approval for a major modification.



- Subsection (h)(2)(A) provides that a grandfathered NGSO license or grant of market access may seek renewal under subsection (f) and be treated as licensed under section 346 upon the expiration of the grandfathered license or grant of market access.
- Subsection (h)(2)(B) provides that a grandfathered NGSO license or grant of market access may modify their license or grant of market access consistent with the rules that govern such requests today. Grandfathered systems may also seek modification under subsection (g), which would end their covered period and therefore their grandfathered protections.
- Subsection (h)(3) would require NGSO systems in a spectrum band with service rules that require licensees or grantees of market access to share the spectrum to make a good faith effort to coordinate the use of the spectrum with any other licensee, grantee, or grandfathered entity that has authorization to use the band.
- Subsection (h)(4) requires the FCC to establish a quantifiable level of protection that a licensee or grantee authorized under subsections (b)(1) and (c)(1) would be required to afford to any other licensee, grantee, or entity with an authorization to use spectrum in the band, except GSO systems authorized under subsections (b)(2) or (c)(2).
- Subsection (h)(5) requires the FCC to consider certain options when establishing the quantifiable level of protection required under subsection (h)(4). Specifically, the FCC would be required to consider whether the following mechanisms should be used to implement subsection (h)(4):
 - A degraded throughput methodology, requiring that, except in accordance with a coordination agreement, a licensee of a license granted under subsection (b)(1) or a grantee of a grant of market access granted under (c)(1) may cause no more than a certain percentage increase in the link unavailability of another such licensee or grantee and may reduce the throughput of such other licensee or grantee by no more than a certain percentage;
 - A permissible interference-to-noise ratio methodology, including whether interference-to-noise alone provides a sufficient level of protection;
 - A methodology that would protect an entity by awarding a greater share of spectrum during in-line events to earlier-filed systems.
- Subsection (i) preempts State and local authority to regulate the market entry or rates charged by a licensee under subsection (b), a grantee of market access under subsection (c), or an entity with authorization under subsection (d).
- Subsection (j) prohibits the FCC from requesting additional information from applicants that have demonstrated their compliance with performance objectives required in their application. Subsection (j) also requires the FCC, in making any rule or regulation to carry out new section 346, to demonstrate that it has taken every reasonable step to limit the information required to be furnished to the FCC. Finally, Subsection (j) would provide expedited review of a petition by an applicant who believes either the FCC has requested information that is unnecessary due to their compliance with the performance objectives or that the FCC has not taken every reasonable step to limit the information required to be furnished to the agency.
- Subsection (k) provides that section 346 does not apply to any authorization in the experimental radio service or the amateur radio service.
- Subsection (l) establishes whether an application submitted under subsections (b), (c), or (d) are complete.



- Subsection (l)(1) deems that an application under subsection (b), (c), or (d) is complete if it contains the information required to be submitted with the application under each subsection and the applicant has paid the fee (if any) required under section 8 of the Act. Subsection (l)(1)(B) provides that if all information is submitted and the fee is paid, the FCC is required to issue a public notice of the acceptance for filing of the application, which begins the shot clocks for review provided in subsections (b) and (d). Additionally, if an applicant has not paid the fee or submitted the information required, the Commission must provide notice to the applicant that includes what information is required to be submitted that was not submitted.
- Subsection (l)(2) provides that if the FCC has not complied with paragraph (1) within 20 business days upon receiving the application, the FCC is deemed to have issued a public notice of the acceptance for filing of an application on the 21st business day after the date on which the application was received.
- Subsection (m) establishes authority for the FCC to toll the timeframe for review of an application under subsection (b), (d), (f), or (g).
 - Subsection (m)(1) provides that the FCC may only toll an application if:
 - It finds that there are extraordinary circumstances requiring additional time for consideration of the application or request such that, if the deadline were not extended, the public interest would be seriously prejudiced; AND
 - It issues a public notice stating the reasons for the extension and the length of the extension.
 - Subsection (m)(2) limits the FCC's tolling time period to 90 days, but provides that the FCC may continue to toll for 90 days at a time provided it continues making the findings under paragraph (1).
- Subsection (n) establishes authority for the FCC to refer applications under subsection (b), (c), (d), or (g) to the executive branch for review of national security and law enforcement concerns that may be raised by the application or request.
 - Subsection (n)(1) provides that applications with reportable foreign ownership, defined by the FCC in rules issued under subsection (a)(1)(H), are required to be referred to the executive branch.
 - Subsection (n)(2) provides that in addition to applications or requests that it are required to be referred under (n)(1), the Commission may, at its discretion, refer any application or request for review of national security and law enforcement concerns that may be raised by the application or request.
- Subsection (o) clarifies that for purposes of section 346, references to "shared spectrum" apply to only to those spectrum frequencies where more than one licensee or grantee under subsection (b)(1) or (c)(1), including an entity with a covered authorization, is authorized to use the same frequencies of such spectrum. Additionally, subsection (o)(1)(B) provides that certain frequencies shall not be treated as being shared.
- Subsection (p) defines key terms used throughout new section 346, including:
 - Covered Application: defined as a grandfathered application for an NGSO system that was submitted in a processing round established by the FCC as of December 31, 2022 but remains pending before the FCC.
 - Covered Authorization: defined as a license or grant of market access for an NGSO system granted before the date of enactment of the SAT Streamlining Act and that was part of a processing round that was established by December 31, 2022. Additionally, a covered authorization includes a covered application that subsequently is approved after the date of enactment of the SAT Streamlining Act.



- Covered Period: defined as the length of the grandfathering provisions as described in subsection (h)(1).
- Gateway Station: defined as an earth station or group of earth stations that support the routing and switching functions of a system operated under a license or grant of market access granted under subsection (b) or (c), may be used for telemetry, tracking, and command transmissions, does not originate or terminate communication traffic, and is not for the exclusive use of any customer.
- Individually Licensed Earth Station: defined as an earth station that sends a signal to, and receives a signal from, a space station or space stations operated under a license granted under subsection (b) or a grant of market access under subsection (c). The term Individually Licensed Earth Station also includes a Gateway Station.
- Orbital Variance Efficiency: defined as the mean of the distance between the actual altitude of each space station and the authorized altitude for each NGSO space station.
- Radiocommunication Service: defined as the term is defined in the radio regulations of the ITU.

