ITIF | INFORMATION TECHNOLOGY & INNOVATION FOUNDATION

700 K Street NW Suite 600
Washington, DC 20001

COMMENTS OF ITIF

to the

Federal Communications Commission

Washington, D.C.

In the Matter of:	)	
Office of International Affairs Seeks Comment on Recommendations Approved by the World Radiocommunication Conference Advisor Committee	)	OIA Docket No. 24-30

October 13, 2026

The Information Technology & Innovation Foundation (ITIF) appreciates the opportunity to comment on the World Radiocommunication Conference Advisory Committee's draft recommendations regarding Article 22 equivalent power flux density (EPFD) limits under Agenda Item 9.2 at the 2027 World Radiocommunication Conference (WRC-27), with an eye toward fuller adoption of the FCC's standards at WRC-31.[1] For purposes of Agenda Item 9.2, View A is the better step toward more productive use of satellite spectrum and would avoid unnecessary regulatory restraints that would limit the consumer benefits from non-geostationary orbit (NGSO) systems without significant benefit to geostationary (GSO) systems.

The rise of NGSO systems has been a major benefit to consumers as they now provide higher bandwidth and lower latency than GSO systems. While GSO operations still have important applications, regulations designed for a pre-NGSO world will artificially constrain the parallel benefits from NGSOs. The FCC has already taken the lead in updating domestic spectrum-sharing rules between NGSO and GSO systems, which will expand NGSO capacity, enhance consumer speeds, and provide more broadband to more people in more remote areas.[2] And the new rules do all this while allowing GSO operations to continue without significant degradation. These rules are a success story of updating regulations that would otherwise have held back the benefits of new technologies to those who can benefit from them most.

Thus, as the United States makes the case for this framework around the world, it should not go backwards by adopting a 100-percent-of-the-time EPFD limit, as proposed by View B, which would recreate unreasonable restrictions on NGSOs. The fundamental advance of the FCC's updated sharing rules is to not guarantee certainty. View A's unavailability criterion already limits the impact of interference events on GSO systems. An additional limit is unlikely to have an appreciable marginal benefit while the marginal cost could be large. View B would create a new limit not based on accepted technical anchors, which would not only substantially limit the consumer benefits of NGSO systems but would invite other countries to negotiate it to become even more restrictive.

Moreover, View A would adopt stringent protection criteria that protect GSO transmissions while removing unreasonably conservative EPFD limits that prevent NGSO operation even when doing so does not appreciably degrade GSO service. View B argues that View A insufficiently protects GSOs by, for example,

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[1] Founded in 2006, the Information Technology and Innovation Foundation (ITIF) is an independent 501(c)(3) nonprofit, nonpartisan research and educational institute—a think tank. Its mission is to formulate, evaluate, and promote policy solutions that accelerate innovation and boost productivity to spur growth, opportunity, and progress. ITIF's goal is to provide policymakers around the world with high-quality information, analysis, and recommendations they can trust. To that end, ITIF adheres to a high standard of research integrity with an internal code of ethics grounded in analytical rigor, policy pragmatism, and independence from external direction or bias. For more, *see* "About ITIF: A Champion for Innovation," https://itif.org/about; "Office of International Affairs Seeks Comment on Recommendations Approved by the World Radiocommunication Conference Advisory Committee," Public Notice, FCC, OIA Docket No. 24-30, DA 26-1052, released September 29, 2026, https://docs.fcc.gov/public/attachments/DA-26-1052A1.pdf.

[2] "Modernizing Spectrum Sharing for Satellite Broadband," Report & Order, FCC, SB Docket No. 25-157, FCC 26-26, adopted April 30, 2026, released May 1, 2026, https://docs.fcc.gov/public/attachments/FCC-26-26A1.pdf; Ellis Scherer, "Comments to the FCC Regarding Modernizing Spectrum Sharing for Satellite Broadband" (ITIF, July 28, 2025), https://itif.org/publications/2025/07/28/comments-to-fcc-regarding-modernizing-spectrum-sharing-for-satellite-broadband/.

lacking a 3-degree avoidance angle. View A, however, would still result in NGSO's avoiding in-line geometry in practice. An NGSO system that cannot meet View A's substantive protection of GSOs without avoidance angles will implement them. An NGSO system that can protect GSOs without avoidance angles would provide no additional benefit by bearing the cost of implementing them.

The benefits of NGSO systems are likely even greater in other countries than they are in the United States. For parts of the world without developed communications infrastructure, NGSO satellites promise high-speed, low-latency connectivity for the first time. The United States should, therefore, lead the way to maximize the benefits of NGSOs around the world and bring other countries along with it. It should not hamstring American satellite companies while also limiting consumer benefits of connectivity around the world. The United States should, therefore, support View A on Agenda Item 9.2 and reject View B.

Thank you for your consideration.

Joe Kane
Director, Broadband and Spectrum Policy