

Office of the White House Press Secretary

THE WHITE HOUSEMEMORANDUM FOR THE HONORABLE  
DEAN BURCH, CHAIRMAN OF THE  
FEDERAL COMMUNICATIONS COMMISSION

Federal policy on domestic satellite communications has been long delayed. The Administration is concerned that the delay not be prolonged and that the policies adopted reflect all important dimensions of the public interest, including the international aspects of geostationary orbital and radio resources. Based on our review of relevant technical, economic, and public interest considerations, the Administration offers the following comments and recommendations to the Commission.

Public Policy Objectives

In telecommunications, the government's responsibility to safeguard and promote the public interest involves primarily the encouragement of reliable communications services for public, business, and government use at reasonable rates and the assurance of a healthy environment for continuing innovations in services and technology. This general goal must, of course, be made more specific for particular policy issues. In our review of the domestic satellite issue, we have concentrated on the following objectives:

- assuring full and timely benefit to the public of the economic and service potential of satellite technology.
- insuring maximum learning about the possibilities for satellite services.
- minimizing unnecessary regulatory and administrative impediments to technological and market development by the private sector.
- encouraging more vigorous innovation and flexibility within the communications industry to meet a constantly changing spectrum of public and private communications requirements at reasonable rates.
- discouraging anticompetitive practices -- such as discriminatory pricing or interconnection practices and cross-subsidization between public monopoly and private service offerings -- that inhibit the growth of a healthy structure in communications and related industries.
- assuring that national security and emergency preparedness needs are met.

The Technical Framework

The establishment and operation of domestic satellite communications facilities is technically feasible within the present state of the art, and readily foreseeable technological advances will further enhance this capability. Technical considerations place no serious constraints on policies governing the ownership or mode of operation (specialized or multi-purpose) of domestic satellite communications facilities. These technical considerations, though of great importance in the detailed engineering, operations, and economics of specific systems, can be dealt with effectively under any reasonably foreseeable ownership arrangements.

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The issue of radio resource scarcity for satellite communications has been overstated to a significant degree. While the communications capacity of this resource is finite, the ability to accommodate additional radio services is greatly expandable through administrative, technological, and operational innovation. Both earth station and satellite design standards can be varied to assure adequate orbital capacity for both immediate requirements and likely near-term growth. Long-term growth can be accommodated through further refinement or additional frequency allocations, whichever is most economic.

Since some of the orbital locations and associated spectrum usage of interest for United States domestic satellites might also be potentially useful to other western hemisphere nations, a question of United States monopolization could conceivably arise. However, even 10 to 12 United States domestic satellites (a high estimate of likely early system development) would represent only a small fraction of the number which could be accommodated for western hemisphere use with the current state of the art. Therefore, orbital capacity is not expected to be a problem at this time. As demand for satellite communication expands, it may become necessary to evolve additional international coordinating mechanisms; but this would likely involve the establishment of appropriate technical standards rather than the rationing of orbital positions. This is expected to be a subject for discussion at the 1971 World Administrative Radio Conference.

#### The Economic Framework

The most immediate potential for domestic satellite communications seems to lie in long distance specialized transmission services -- such as one-way distribution of radio and television programs or two-way exchange of high-speed data or other wideband signals among thinly dispersed users. Common carriers have informed us that satellites do not appear economic at present for the routine transmission of public message traffic.

For the foreseeable future, satellite communications systems will require large initial investments, careful technical and economic planning, and complex technical management capabilities. The extensive, reliable, and low-cost terrestrial communications network already established in the United States makes domestic satellite systems competitive only where their unique capabilities offer significant advantages over terrestrial transmission. We therefore, expect the initial number of potential offerers of domestic satellite services to be small.

In the absence of clear economies of scale and overriding public interest considerations to the contrary, the American economy has relied on competitive private enterprise rather than regulated monopoly to assure technical and market innovation, long-run optimum use of resources, and industry flexibility. These are all conditions this Nation has found to encourage higher-quality, lower-cost services responsive to consumer demand.

At this stage of domestic satellite planning, it is not possible to identify major economies of scale. Rather, it appears that a diversity of multiple satellite systems as well as multiple earth stations will be required to provide a full range of domestic services.

Further, we find no public interest grounds for establishing a monopoly in domestic satellite communications. The general public is not a direct user of such services. The provision of specialized transmission services and the carriage of bulk message traffic are quite different in character from the provision of switched public message (telephone) service upon which much of our monopoly theory of telecommunications regulation is based. There is no reason to expect that competition here would do other than to encourage new or lower-cost services, the benefits of which would indirectly accrue to the public. Competition in the offering of satellite services appears to hold forth greater benefit to the economy and the public than would a single chosen instrument.

Detailed regulation of service rates and commercial rates of return are similarly predicated on natural monopoly conditions that should not exist with domestic satellite communications in the immediate future. Not only is competitive entry possible, but terrestrial communications pricing would act as an upper limit on prices chargeable for most satellite services. In these circumstances, competitive pressure, rather than regulatory constraints, should be permitted to limit rates for specialized services via domestic satellites.

The historical development of telecommunications policy, regulation, and industry structure has resulted in a blurred distinction between public and private interests. A confusing patchwork of cross-subsidization between public message and specialized service offerings has become the norm rather than the exception. Therefore, it is possible that satellite services could, through cost-reducing innovation and competition, cause some existing services now surviving on a cross-subsidized basis to become uneconomic. Even if the benefits of such cross-subsidization accrue to the public users rather than to private service offerings, however, there seems to be no merit in protecting suppliers of such services from fair competition. The primary impact of such competition should be the provision of those services through lower-cost alternatives. Should such competition result in curtailment of some public services that are necessary as a matter of public policy, however, a direct public subsidy would in most cases be less costly to the public than forced cross-subsidization and restraint of competition.

#### Recommendation

Government policy should encourage and facilitate the development of commercial domestic satellite communications system to the extent that private enterprise finds them economically and operationally feasible. We find no reason to call for the immediate establishment of a domestic satellite system as a matter of public policy. Government should not seek to promote uneconomic systems or to dictate ownership arrangements; nor should coordinated planning or operation of such facilities be required except as essential to avoid harmful radio interference.

Subject to appropriate conditions to preclude harmful interference and anti-competitive practices, any financially qualified public or private entity, including Government corporations, should be permitted to establish and operate domestic satellite facilities for its own needs; join with related entities in common-user, cooperative facilities; establish facilities for lease to prospective users; or establish facilities to be used in providing specialized carrier services on a competitive basis. Within the constraints outlined below, common-carriers should be free to establish facilities for either switched public message or specialized services, or both.

The number or classes of potential offerers of satellite services should not be limited arbitrarily. Nor should there be any a priori ranking of potential types of systems (common-carrier vs. specialized carrier vs. private; or satellite vs. terrestrial). Only in the event that specific applications pose immediate and irreconcilable conflict in the use of radio and orbital resources would a priori public interest exclusion of proposals be warranted. In particular, the potential economic impact of private or common-user satellite systems on terrestrial common carriers or specialized carriers should not be a factor in the authorization of such systems.

All prospective entrants should be afforded equal opportunity to establish and operate domestic satellite communications facilities by adoption of the following guidelines:

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(1) Facilities to be established by independent entities for their own private use should be required to demonstrate only the financial and technical qualifications to implement their system proposals. There is no valid public interest requirement in such cases to require a showing of economic viability or optimization, nor should the potential economic impact of such operations on common or specialized carriers be a factor in the authorization of such facilities.

(2) Facilities to be established as part of a common-user cooperative system should be authorized in accord with the same principles as for fully independent facilities. However, to avoid restraints on competition, the opportunity should be made available for all potential users of similar services to participate without discrimination in such cooperatives as a condition of their authorization.

(3) Facilities to be used by specialized carriers (i. e., carriers having no monopoly over switched public message services) should be authorized under essentially the same terms and conditions as private or common-user facilities. Furthermore, such specialized carriers should not be constrained to serve as a "carrier's carrier" nor to share ownership of space or earth station facilities with other carriers. We also urge the Commission to allow competition to limit the rates charged for specialized services via satellite. Specialized carriers should, however, be required to serve similar users at equal rates and on a non-discriminatory basis.

(4) Facilities to be used by common carriers solely for the transmission of switched public message services should be authorized under the same terms and conditions that apply for terrestrial radio facilities. However, facilities to be used by such carriers in the transmission of specialized message services should be authorized only after a determination by the Commission on each application, based on public evidentiary hearings, that no cross-subsidization between monopoly public message and specialized services would take place in the development, manufacture, installation, or operation of such facilities. This should not be interpreted, however, to preclude the legitimate economies of joint-use facilities.

(5) The use of leased facilities (satellite and/or earth stations) should be authorized under the same terms and conditions as owned facilities, with the responsibility for adherence to these conditions resting with the lessee. Rate-regulated carriers should be permitted to include a portion of the lease costs of such facilities in their rate base.

(6) Local communications common carriers should be required to provide leased interconnection services for user access to earth stations at reasonable rates and without discrimination.

(7) Potential harmful interference between satellite systems and terrestrial installations should be resolved by the Commission according to established procedures. Satellite operating entities should have equal status with terrestrial users in interference problems and in access to the radio spectrum. To accommodate new systems or services, the Commission should affirm its authority to modify or rescind, where appropriate, the operating rights of established spectrum users (satellite or terrestrial) where this would not significantly impair the quality of service or impose undue economic burdens; we believe the Commission should require compensation of the established users to be paid by the new entrant in such situations.

(8) The Commission may wish to establish a minimum acceptable earth station diameter, such as 30 feet, in order to accommodate an adequate number of initial United States domestic satellites in the 4 and 6 GHz spectrum allocations without excessive use of orbital resources. Although it is very unlikely that the number of satellites proposed during the initial filing period will approach the limit such a standard would impose, the standard should in that event be raised. Conversely, if applications were well below this number, and a reasonable case were made on economic and

