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FCC's Space Bureau Reassesses Satellite Market Access Reciprocity

March 26, 2026

On March 2, 2026, the Federal Communication Commission's Space Bureau and Office of International Affairs released a Public Notice seeking comment on whether foreign jurisdictions provide domestic satellite operators with competitive opportunities that are comparable to those given to foreign operators in the domestic market. The FCC is considering the validity of its long-standing presumption that World Trade Organization-licensed satellite systems should be allowed access to domestic markets, due to changes in global regulatory approaches and its growing concern about whether domestic operators face equal treatment abroad.

The Space Bureau underscores how its current framework was built on an assumption from decades ago that trade commitments would allow for competitive satellite markets. In 1997, the FCC allowed non-US-licensed space stations to serve the domestic market, with the intent to provide more opportunities for domestic companies to enter into foreign markets and allow for a market with more global satellite services. By implementing domestic market-opening commitments in the WTO Basic Telecommunications Agreement (BTA), the FCC established a presumption in favor of granting market access to satellite systems that are licensed by WTO members for services that are covered by domestic commitments.

Regarding any satellite systems not covered by the WTO BTA, the FCC required foreign applicants who sought access to domestic markets to demonstrate that domestic-licensed operators have equally competitive opportunities to provide similar services in the relevant foreign markets, such as the country where the satellite was licensed and any country where communications between domestic earth stations will originate or terminate. This presumption required that foreign-licensed satellite operators satisfy the same technical and other applicable requirements that were imposed on domestic operators.

Thirty years after establishment of the presumption, the FCC poses that the international regulatory landscape has changed via various international treaties, thus requiring updates to the satellite framework. The FCC underscores that emerging foreign rules regarding issues such as licensing restrictions, national funding restrictions by foreign entities, fee discrepancies disadvantaging domestic operators, and ownership limits have established more barriers for domestic operators and may thus require closer FCC review of satellite market access reciprocity for foreign and domestic operators.

The FCC is looking to analyze the existing framework for the WTO-based presumption and whether it is still valid, in addition to whether the FCC should adopt more reciprocity rules or an "effective competitive opportunities" test for access to foreign markets. The FCC asks for input on how this assessment might be impacted by foreign treaty obligations, existing trade commitments and current market policies. In addition, the FCC seeks guidance on how to evaluate foreign regulations that negatively impact and disadvantage domestic satellite operators, what evidence can demonstrate that there is direct competitive harm, and how a revised approach should apply to both domestic and foreign operators.

In light of these considerations, the FCC seeks comments from satellite operators and relevant entities regarding the following issues:

- Whether there are cases where a presumption is applied, but there is a lack of effective competitive opportunities to provide analogous services in the country where the foreign licensed satellite operator is authorized to provide service.
- Whether the FCC should assess these competitive opportunities under a different framework than the one currently held.
- Whether a competitive reciprocal opportunities test by the FCC should apply equally to WTO and non-WTO foreign licensed systems.
- How this assessment may be guided by obligations under existing trade agreements.

Comments are due by **April 1, 2026**, and reply comments are due by **April 16, 2026**. If you have any questions or need assistance in drafting comments, please reach out to one of the Cooley lawyers listed below.

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