

Market Access for Satellite Services in the New Space Age

Presentation for CTU SMTF



PROPRIETARY AND CONFIDENTIAL

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What's unique about LEO mega-constellations?

- > Light touch regulatory approaches have been used in the past for GSO and small NGSO systems, because of their light impact on competition and the spectrum management environment.
- > LEO mega-constellations are qualitatively and quantitatively different because of their massive scale.
 - Their operation over any nation could impair and even foreclose the ability of others to access the spectrum and orbits they need to provide innovative and competitive services, or to otherwise serve a Caribbean nation's sovereign defense needs and ensure economic security.
- > Two mega-constellations also seek the right to generate more interference into others (satellite & terrestrial) than ever before.
- > They also seek to consume the entire interference allowance that must be shared by all NGSO systems

For the first time, a private company will be able to provide global communications services that bypass national networks, government oversight and geographic boundaries.^{xi}

Gaps exist in existing regulatory processes, at both the national and ITU level.

- > Thus, no nation can safely assume that a LEO mega-constellation licensed by another administration will not create undue interference within or over the nation's own territory.
- > This means new licensing mechanisms and a new licensing paradigm that ensures:
 - Competition, Innovation and Investment,
 - A nation's economic, physical, and data security goals
 - Equitable, safe and sustainable use of scarce and limited space resources and spectrum,
 - Sovereign opportunities to use space as your administration sees fit.
- > It may be necessary to impose additional requirements post-licensing or at modification or renewal.

- > **National access, at the market access stage, is the only tool administrations have to protect their interests.**

Key Elements of a National Authorisation Framework

An effective national authorisation framework is characterised by broad consultation, transparency, independent verification and technical assessment, strict compliance with international law and enforceable operating conditions.

Pre-authorisation Compliance & Consultation



What are the compliance requirements for LEO mega-constellation licensees?

Who must be consulted?

Impact Assessment & Technical Validation



What is the impact of authorising the LEO mega-constellation?

How can we corroborate claims regarding pre-authorisation compliance?

Tailored Conditions on any market access grant



What conditions could mitigate the risks presented by LEO mega-constellations?

How do we ensure ongoing compliance?

Pre-authorisation Compliance & Consultation



What are the compliance requirements for LEO mega-constellation licensees?

International Requirements

- Full compliance with Article 22 and ITU Resolution 76 EPFD interference prevention provisions (where applicable).
- Completion of coordination with other GSO and NGSO networks that could serve the country

National Requirements

- Compliance with national eligibility and operating requirements
- Adherence to national security and law enforcement obligations

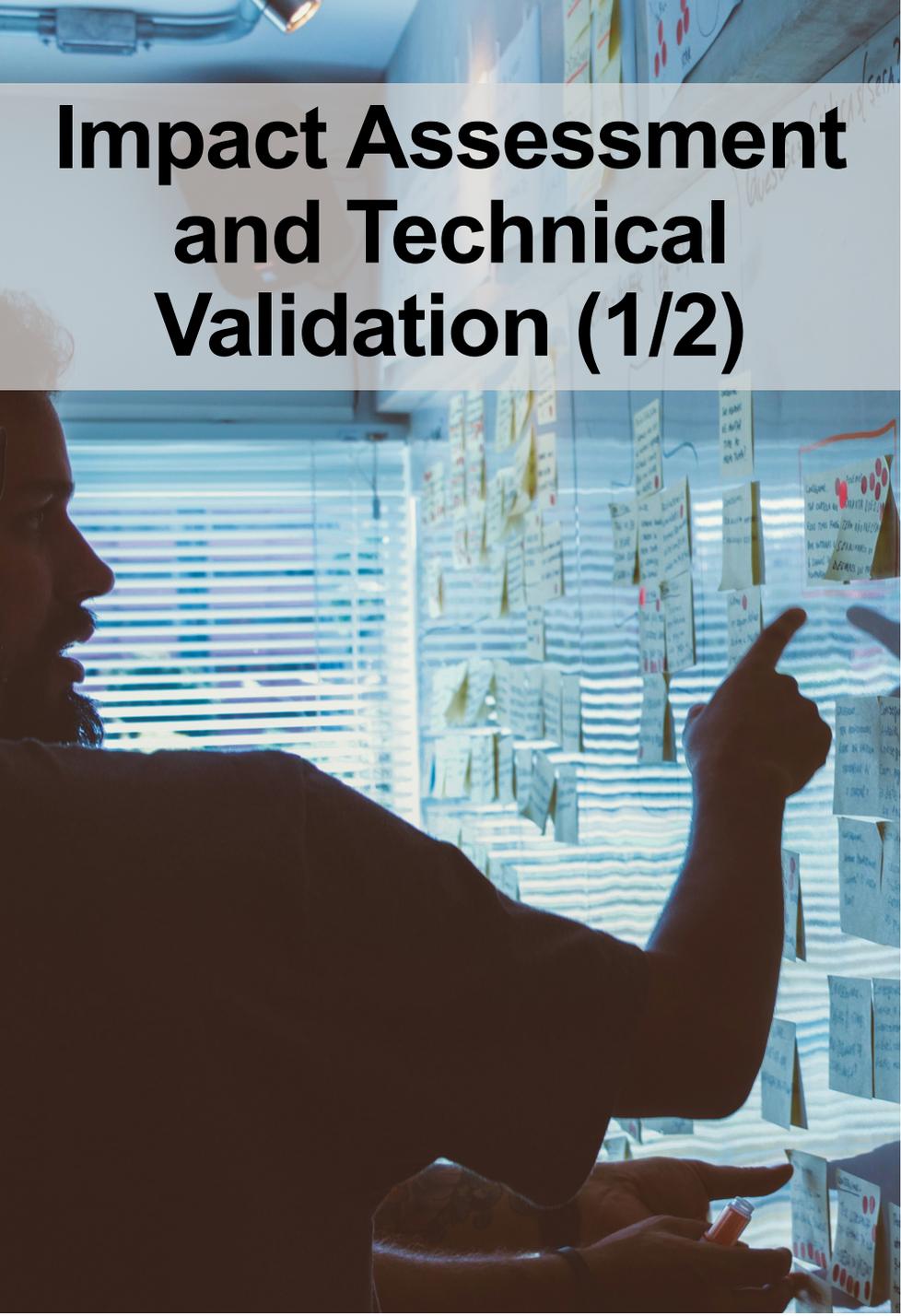
Who must be consulted?

Interested and Affected Parties

- Relevant Government Authorities (Telecoms Ministry, Space Agency State Security, Competition Authority, Aviation and Maritime Authority etc.), current and prospective licensees as well as the general public

Enabling Public Engagement

- Interested and affected parties should have the ability to review and comment on the application in a public process

A person is seen from the side, pointing at a wall covered in numerous sticky notes. The scene is dimly lit, with light coming from a window with blinds in the background. The sticky notes are of various colors and contain handwritten text and diagrams. The overall atmosphere is one of collaborative work and analysis.

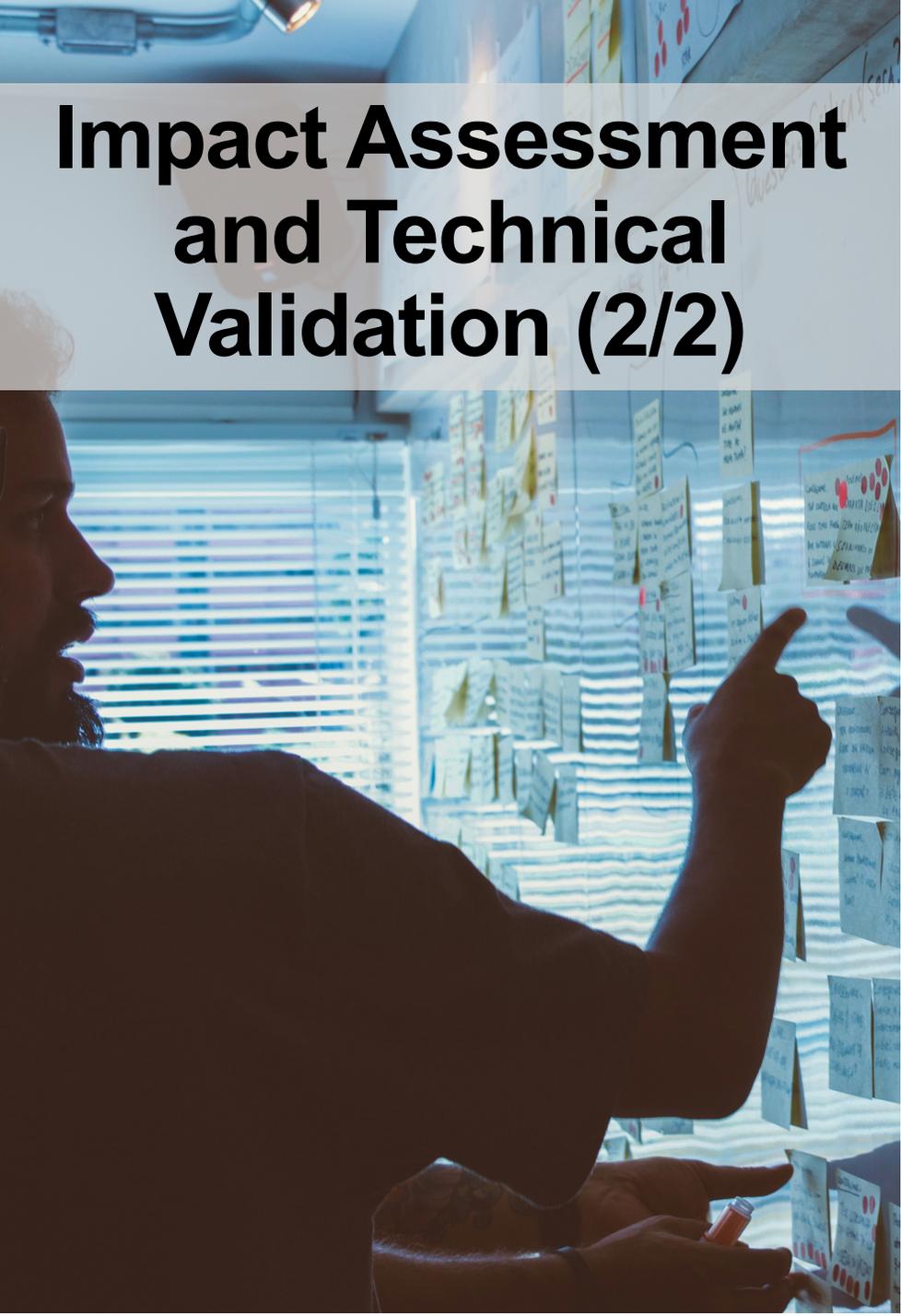
Impact Assessment and Technical Validation (1/2)

What is the impact of authorising the LEO mega-constellation?

- **Understanding the Impact on National Policy Objectives:** The Authority in collaboration with the relevant Government departments must assess the impact on national policy objectives to determine if the authorisation request should be denied, or approved with appropriate conditions

Key Risk Areas to Evaluate

- **Spectrum Availability:** Impact on Operations in virtually all spectrum below 100 GHz, including spectrum already used by others, and the ability of others to share prime LEO orbits
- **Competition & Innovation:** Ability to disrupt operation of GSO and NGSO systems, preclude competitive offerings and prevent other operators from improving networks or offering same capabilities
- **Economic Growth:** Impact on the development of national and regional satellite programs and foreclose participation in the space economy
- **National Security & Sovereignty:** Ability to bypass national requirements and impair dual-use satellites serving defense needs

A person is seen from the side, pointing at a whiteboard. The whiteboard is covered with numerous sticky notes, some of which have diagrams and text. The scene is set in a meeting room with blinds visible in the background.

Impact Assessment and Technical Validation (2/2)

How can we corroborate the claims regarding pre- authorisation compliance?

- **Verifying Coexistence:** Independent analysis of the interference potential of LEO mega-constellations is vital. Relying on ITU filings alone may not reflect actual deployed parameters or system modifications over time and may understate interference potential.

Key Matters to Verify

- Validation of EPFD assessments should ensure that:
 - **Consideration of the Entire LEO Mega-constellation:** Whole constellation is taken into account (irrespective of number of ITU filings under which it operates)
 - **Operations are Consistent with the ITU Filing:** Actual system parameters are consistent with the data provided in the ITU filings (e.g., radiation patterns, beam configurations, orbital parameters)
 - **Assessing Compliance within the National Territory:** Article 22 EPFD and Res. 76 interference protection criteria must be upheld at service locations within the nation (not limited locations typically outside nation's territory)



Tailored Conditions on any Market access Grant (1/2)

What conditions could mitigate the risks presented by LEO Mega-Constellations?

Tailored Authorisation Conditions: Taking into account the outcomes of the “Impact Assessment and Technical Validation” phase, a range of measures could be put in place to preserve national policy objectives

Specific Market Access Conditions to:

- **Ensure Spectrum Availability:** Limit the frequency bands authorized for LEO Mega-constellation use within or over the nation
- **Facilitate NGSO/NGSO Sharing:** Establish minimum size requirements for user terminals. Ensure equitable sharing of "look angles" to and from space among all NGSO systems (divide satellite azimuths when NGSO/NGSO interference potential exists).
- **Ensure GSO Network Operation & Innovation:** Require that constellation not cause unacceptable interference to GSO networks by ensuring compliance with Article 22 EPFD limits. Require all NGSO systems collectively not exceed Resolution 76 aggregate EPFD interference criteria
- **Resolve Interference:** Require operational feature allowing immediate interruption of radio frequency emissions



Tailored Conditions on any Market access Grant (2/2)

How do we ensure ongoing compliance?

Reporting and Transparency Requirements

- **Compliance Reporting:** Bi-annual compliance reports demonstrating adherence to all authorization obligations
- **Operational Conformance:** Bi-annual verification that operations conform to authorized parameters
- **Record of Infringements:** Documentation of any interference events and resolution measures taken
- **Full Transparency:** Disclosure of any system modifications or operational changes

Enforcement Mechanisms

- **Penalties:** Clear and meaningful penalties for non-compliance. Authority to suspend or revoke authorization for repeated and unresolved violations
- **Flexibility to Prescribe New Conditions:** Authority to impose additional conditions if compliance issues arise

Want to get all the details?



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