

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Chrysaor S.à r.l.,)	IB Docket No. 11-143 (DA 11-1488)
Transferor)	
)	
And)	FCC File Nos:
)	ITC-T/C-20110818-00265
)	ITC-T/C-20110818-00266
Astrium Holding S.A.S.,)	ISP-PDR-20110818-00009
Transferee)	SES-T/C-20110818-00979
)	SES-T/C-20110818-00998
Consolidated Application for)	0023-EX-TU-2100
Consent to Transfer of Control and)	0004827475
Petition for Declaratory Ruling)	

**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The Department of Justice (“DOJ”), including the Federal Bureau of Investigation (“FBI”), with the concurrence of the Department of Homeland Security (“DHS”), respectfully submits this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“FCC” or “Commission”) rules.¹ Through this Petition, DOJ, DHS, and FBI (collectively, the “Agencies”) advise the Commission that they have no objection to the Commission granting its consent in the above-referenced proceeding, provided that the Commission conditions its grant on the agreement of Astrium Holding S.A.S. (“Astrium”), European Aeronautic Defence and Space Company EADS N.V. (“EADS”), and the entities collectively referred to as “Vizada” (i.e., Mobsat Holding Norway AS, Mobsat Holding US Corp., Vizada, Inc., Marlink, Inc., Vizada Federal Services, Inc., Vizada AS, Vizada Services Holding, Inc., and Vizada Services LLC), to abide by the

¹ 47 C.F.R. § 1.41.

commitments and undertakings set forth in Amendment No. 3 to the November 29, 2001 Agreement between Telenor Satellite Services Holdings, Inc.,² Telenor Satellite, Inc.,³ Telenor Satellite Services, Inc.,⁴ and Telenor Broadband Services⁵ and DOJ and FBI (“November 2001 Agreement”), as amended by Amendment No. 1 in March 2007 and Amendment No. 2 in October 2008. Amendment No. 3, submitted with this Petition, reaffirms the commitments made in the November 2001 Agreement and in Amendments No. 1 and 2 to that Agreement, deletes certain parties from the November 2001 Agreement, and adds Astrium and its parent company EADS as new parties to the November 2001 Agreement. A copy of the November 2001 Agreement, Amendment No. 1, and Amendment No. 2, are attached after Amendment No. 3 as Exhibits A, B, and C, respectively.

In the above-captioned proceeding, Chrysaor S.à r.l. and Astrium (together the “Applicants”) have sought Commission consent to the transfer of control of Mobsat Group Holdings S.à r.l. (“MGH”) and its wholly owned FCC-authorized subsidiaries, and have filed a petition for declaratory ruling under Section 310(b)(4) of the Act.⁶

As the Commission is aware, the Agencies have taken the position that their ability to satisfy their obligations to protect the national security, enforce the laws, and preserve

² In 2007, Telenor Satellite Services Holdings, Inc. was merged into Mobsat Holding US Corp.

³ In 2007, Telenor Satellite, Inc.’s name was changed to Vizada Satellite, Inc. Vizada Satellite, Inc. has since been merged into Vizada, Inc.

⁴ Telenor Satellite Services, Inc. is now known as Vizada, Inc.

⁵ Telenor Broadband Services was succeeded in interest by Telenor Satellite Services AS. Telenor Satellite Services AS is now known as Vizada AS.

⁶ *Applications Filed for the Transfer of Control of Vizada, Inc. and Marlink, Inc. and Request for a Declaratory Ruling on Foreign Ownership*, Public Notice, DA 11-1488, IB Docket No. 11-143 (Aug. 31, 2011).

the safety of the public could be impaired by transactions in which foreign entities will own or operate a part of the U.S. telecommunications system, or in which foreign-located facilities will be used to provide domestic telecommunications services to U.S. customers. The Commission has long recognized that national security, law enforcement, and public safety issues and concerns are part of its public interest analysis in matters such as this,⁷ and has accorded deference to the views of other U.S. government agencies with expertise in those areas.⁸ Consistent with that approach, the Commission previously considered and granted an earlier Petition filed by DOJ and FBI on November 30, 2001, seeking to condition the authorizations and licenses granted to Telenor (the predecessor in interest to Vizada and its direct and indirect owners) upon compliance with the November 2001 Agreement.⁹ The Commission also considered and granted a Petition filed by the Agencies on March 9, 2007 seeking to condition Commission approval to transfer control of Commission licenses and authorizations held by Telenor to Inceptum (the predecessor in interest to Mobsat Holding Norway AS) on compliance

⁷ See *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23919-21 ¶¶ 61-66 (1997) (“*Foreign Participation Order*”); see also *Amendment of the Commission’s Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, Report and Order, 12 FCC Rcd 24094, 24100 ¶ 15 (1997) (“*DISCO II*”).

⁸ See *Foreign Participation Order* at 23919-20 ¶ 62-63; see also *DISCO II* at 24179-80 ¶¶ 179-80.

⁹ See *In the Matter of Lockheed Martin Global Telecommunications, Comsat Corporation, and Comsat General, Corporation, Assignor and Telenor Satellite Mobile Services, Inc. and Telenor Satellite, Inc., Assignee; Applications for Assignment of Section 214 Authorizations, Private Land Mobile Radio Licenses, Experimental Licenses, and Earth Station Licenses and Petition for Declaratory Ruling Pursuant to Section 310(b)(4) of the Communications Act*, Order and Authorization, 16 FCC Rcd 22897, 22917-19 ¶¶ 47-51 (2001).

with the November 2001 Agreement and Amendment No. 1 to that Agreement.¹⁰ More recently, the Commission considered and granted a Petition filed by the Agencies on January 9, 2009 seeking to condition grant of applications under Sections 214 and 310(d) of the Communications Act on compliance with the November 2001 Agreement as amended by Amendments No. 1 and 2 to that Agreement.¹¹

After discussions with representatives of Astrium and MGH in connection with the proposed acquisition of MGH by Astrium and the related transfer of control over MGH subsidiaries that hold FCC authorizations, the Agencies have concluded that the reaffirmation in Amendment No. 3 of the commitments set forth in the November 2001 Agreement and Amendments No. 1 and 2 will help ensure that the Agencies and other entities with responsibility for enforcing the law, protecting the national security, and preserving public safety can proceed in a legal, secure, and confidential manner to satisfy these responsibilities. Accordingly, the Agencies hereby advise the Commission that they have no objection to the Commission granting the above-referenced Applications, provided that the Commission conditions its grant of such authorizations on compliance by the Applicants with the commitments set forth in Amendment No. 3 to the November 2001 Agreement.

¹⁰ See *Authorizations Granted: Telenor ASA, Transferor, and Inceptum 1 AS, Transferee, Seek FCC Consent to Transfer Control of Licenses and Authorizations and a Declaratory Ruling on Foreign Ownership*, Public Notice, DA 07-2163, 22 FCC Rcd 9325 (2007).

¹¹ See, e.g., *International Authorizations Granted*, Public Notice, DA No. 10-412 (Mar. 11, 2010).

The Agencies are authorized to state that the Applicants do not object to the grant of this Petition.

Respectfully submitted,

/s/ Joanne P. Ongman

Joanne P. Ongman

Attorney Advisor

Foreign Investment Review Staff

National Security Division

U.S. Department of Justice

December 13, 2011

cc: Best Copy and Printing, Inc. (via email at fcc@bcpiweb.com)
Jeff Tobias (via email at jeff.tobias@fcc.gov)
David Krech (via email at david.krech@fcc.gov)
Jim Bird (via email at jim.bird@fcc.gov)
Lynn Montgomery (via email at lynn.montgomery@fcc.gov)
Sumita Mukhoty (via email at sumita.mukhoty@fcc.gov)
George Li (via email at george.li@fcc.gov)