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

OCT 24 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of the Application of)

PANAMSAT LICENSEE CORP.)

For Authority to Construct, Launch, and)
Operate a Hybrid Satellite in its)
Separate International Communications)
Satellite System)

File Nos. SAT-LOA-19951012-00165
SAT-AMD-19960202-00016
SAT-AMD-20030827-00284

Int'l Bureau

Received

OCT 27 2003

OCT 28 2003

Front Office Policy Branch
International Bureau

PETITION FOR RECONSIDERATION

In a letter dated October 22, 2003 (the "Letter"), the International Bureau ("Bureau") dismissed the above-captioned application.¹ PanAmSat Licensee Corp. ("PanAmSat"), by its attorneys and pursuant to Section 1.106 of the Commission's rules, hereby petitions for reconsideration of the dismissal.

INTRODUCTION

In its initial application, PanAmSat requested authority to launch and operate a hybrid C/Ku-band satellite to be known as PAS-13. It originally proposed to operate the satellite at 103° W.L., and subsequently amended the application to specify operations at 93° W.L. On August 27, 2003, PanAmSat further amended the application, seeking authority instead to relocate a Ku-band satellite that already is in orbit, SBS-4, to 125° W.L., and to operate the satellite at that orbital location.

¹ Letter from Thomas S. Tycz, FCC, to Kalpak Gude, PanAmSat.

In lieu of providing a technical exhibit with the amendment, PanAmSat incorporated by reference the technical information that PanAmSat and its predecessors had filed with the Commission when seeking authority to operate SBS-4. PanAmSat stated that the only revision it was making to the information that had been submitted previously was to change the orbital location for the satellite from 77° W.L. to 125° W.L.

DISCUSSION

The Commission requires that space station applications be “substantially complete” when filed.² In its Letter, the Bureau found PanAmSat’s amendment to be “incomplete” because PanAmSat had not submitted new gain contours for the proposed operations of SBS-4 at 125° W.L. The Bureau concluded that the gain contours that had been before the Commission when it authorized SBS-4 to operate at 77° W.L., and which PanAmSat had incorporated by reference, could not be used for this purpose. It based this conclusion on its belief that “the [gain] contour’s characteristics ... are different at different locations, changing the interference potential of the spacecraft.”

The Bureau was proceeding from an erroneous premise. In fact, there is no material difference between the gain contours PanAmSat proposes to operate with at 125° W.L. and the gain contours PanAmSat has been using to operate at 77° W.L. In both cases, coverage is focused on the continental United States, and the interference potential of SBS-4 at the two orbital locations is identical. Accordingly, it was appropriate for PanAmSat to incorporate by reference the gain patterns that had been previously filed, and PanAmSat’s application as amended was “substantially complete.”

² See, e.g., *Amendment of the Commission’s Space Station Licensing Rules and Policies*, IB Docket No. 02-34, First Report and Order and Further Notice of Proposed Rulemaking, FCC 03-102 (May 19, 2003), ¶ 244.

CONCLUSION

For the reasons set forth herein, the Bureau should reconsider its dismissal and reinstate *nunc pro tunc* PanAmSat's application as amended.

Respectfully submitted,

PANAMSAT LICENSEE CORP.

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