



Federal Communications Commission
Washington, DC 20554

International Bureau

DA 04-1707

June 14, 2004

Ms. Karis A. Hastings
Counsel for SES Americom, Inc.
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109

Re: SES Americom, Inc., May 2004 Amendment to Application to Construct, Launch and Operate a Geostationary Satellite in the Fixed Satellite Service using the Ku and Ka Frequency Bands at the 105° W.L. Orbit Location, File No. SAT-AMD-20040528-00110 (S2180)

Dear Ms. Hastings:

In February 2003, SES Americom, Inc. (SES Americom) filed an application to construct, launch and operate Americom-15 (AMC-15), a hybrid Ku/Ka-band satellite to be located at the 105° W.L. orbit location.¹ The AMC-15 satellite's Ku-band payload is intended to replace SES Americom's GSTAR 4 satellite.² In April 2003, SES Americom amended the February 2003 application to provide information regarding the Ku-band circularly polarized transmissions that was not provided previously.³ On May 28,

¹ *Application of SES Americom, Inc. to Construct, Launch and Operate a Geostationary Satellite in the Fixed Satellite Service using the Ku and Ka Frequency Bands at the 105° W.L. Orbit Location*, File No. SAT-LOA-20030219-00013 (filed Feb. 19, 2003) (February 2003 application).

² The GSTAR 4 satellite was located at the 105° W.L. orbit location at the time that SES Americom filed the February 2003 application. In July 2003, the Satellite Division granted SES Americom authority to drift the AMC-2 satellite from the 85° W.L. orbit location to the 105° W.L. orbit location, and to operate in the Ku-band at the 105° W.L. orbit location on a temporary non-harmful interference basis. Consequently, there has been no interruption of Ku-band service at the 105° W.L. orbit location. In October 2003, the Satellite Division granted SES Americom's request for special temporary authority to relocate the GSTAR 4 satellite to the 165° W.L. orbit location. (See Satellite Policy Branch Information, *Public Notice*, Report No. SAT-00171, rel. Oct. 10, 2003). In January 2004, the Satellite Division granted SES Americom authority to continue operating tracking, telemetry, and command systems on its GSTAR 4 satellite for a period of 30 days in order to perform end of life maneuvers, boosting the satellite into a disposal orbit above the geostationary satellite orbital arc. (See SES Americom, Inc., *Application for Special Temporary Authority to Continue to Operate the TT&C Systems of GSTAR 4 During Deorbit Maneuvers*, File No. SAT-STA-20040128-00007, filed Jan. 28, 2004, and Policy Branch Information, *Public Notice*, Report No. SAT-00191, rel. Feb. 9, 2004).

³ *Amendment to Application of SES Americom, Inc. to Construct, Launch and Operate a Geostationary Satellite in the Fixed Satellite Service using the Ku and Ka Frequency Bands at the 105° W.L. Orbit Location*, File No. SAT-AMD-20030422-00069 (filed April 22, 2003) (April 2003 amendment).

2004, SES Americom again amended the February 2003 application to provide updated information on the circularly polarized operations, more detailed interference analyses for specific carriers than were originally submitted, and updated ownership and management information.⁴ For the reasons discussed below, we dismiss the May 2004 amendment as incomplete, without prejudice to refiling.

Section 25.114(c) of the Commission's rules requires that all space station applicants submit all applicable items of information listed in its subsections.⁵ Additionally, Section 25.112(a)(1) of the Commission's rules provides that an application will be unacceptable for filing if it "is defective with respect to completeness of answers to questions, informational showing, internal inconsistencies, execution, or other matters of a formal character. . . ."⁶ In the *First Space Station Reform Order*,⁷ the Commission affirmed the policies embodied in these rules by continuing to require applications to be substantially complete when filed.⁸ As the Commission noted, the procedures and rules it adopted will enable the Commission to establish satellite licensees' operating rights clearly and quickly, and as a result, allow licensees to provide service to the public much sooner than might be possible under its previous licensing procedures.⁹ Finding defective applications acceptable for filing is not consistent with the rules and policies adopted by the Commission in the *First Space Station Reform Order* and only serves to create uncertainty and inefficiency in the licensing process.

We have reviewed the May 2004 amendment and find that it is incomplete with regard to the information required in Section 25.114(c)(8) (in particular, the types of services to be provided, a description of the transmission characteristics and performance objectives for each type of proposed service, details of the link noise budget, modulation parameters and overall link performance analysis). In the February 2003 application, SES Americom states that "the services provided by AMC-15 will be wide ranging including digital TV and digital transmission services ranging from 56 KPBS to high-speed."¹⁰ In that application, SES Americom included downlink budget calculations for eight different, but all digital, Ku-band modulation schemes.¹¹ Further, SES Americom provides a list of emission designators in Table 3 of the Technical Appendix that, with the exception of the command and telemetry/ranging signals, are all digital.¹²

⁴ *Amendment to Application of SES Americom, Inc. to Construct, Launch and Operate a Geostationary Satellite in the Fixed Satellite Service using the Ku and Ka Frequency Bands at the 105° W.L. Orbit Location*, File No. SAT-AMD-20040528-00110 (filed May 28, 2003) (May 2004 amendment).

⁵ See 47 C.F.R. § 25.114(c).

⁶ See 47 C.F.R. § 25.112(a)(1).

⁷ Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (para. 244) (2003) (*First Space Station Reform Order*).

⁸ *First Space Station Reform Order*, 18 FCC Rcd At 10852 (para. 244), citing *Space Station Reform NPRM*, 17 FCC Rcd at 3875 (para. 84).

⁹ *First Space Station Reform Order*, 18 FCC Rcd at 10765-66, (para. 4).

¹⁰ February 2003 application at § 2.12 of the Technical Appendix, p. 14.

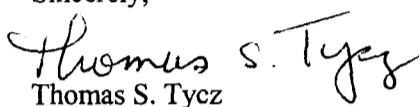
¹¹ February 2003 application at § 2.12 of the Technical Appendix, pp. 16-19.

¹² February 2003 application at § 2.2 of the Technical Appendix, p. 5.

In its May 2004 amendment, SES Americom includes the analog emission designator 36M0F3W in its supplemental interference analysis.¹³ However, the filing does not contain details of a link noise budget, overall link performance analysis or performance objectives for this type of service as required by Section 25.114(c)(8).¹⁴ Moreover, we find no information at all regarding this modulation type in either the February 2003 application or the April 2003 amendment. As noted above, we find only digital modulation schemes proposed in the February 2003 application's list of emission designators.

For the above-mentioned reasons, we find SES Americom's May 2004 amendment to be incomplete. Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(a)(4), we find that File No. SAT-AMD-20040528-00110 is defective and therefore unacceptable for filing. Consistent with Section 25.112(a)(1) of the Commission's rules, we dismiss this amendment without prejudice to refiling.¹⁵

Sincerely,



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¹³ May 2004 amendment at Appendix 2, *Supplemental Two-Degree Spacing Analysis for Ku-Band*, Attachment 1.

¹⁴ See 47 C.F.R. §25.114(c)(8).

¹⁵ If SES Americom refiles an application identical to the one dismissed, with the exception of supplying the missing information, it need not pay a further application fee. See 47 C.F.R. § 1.1109(d).