

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

COLUMBIA COMMUNICATIONS CORPORATION

Request to Amend its Pending Modification
Application for the AMC-12 Satellite

File No. SAT-AMD-20040826-00161

COMMENTS OF NEW SKIES SATELLITES N.V.

New Skies Satellites N.V. ("New Skies") submits these comments on Columbia Communication Corporation's ("Columbia") request to amend its pending modification application for its AMC-12 C-band satellite at the 37.5° W.L. orbital location.¹ Among the amendments proposed by Columbia is a dramatic increase in equivalent isotropic radiated power ("EIRP") from the satellite. As the operator of the NSS-806 C-band satellite that currently provides service to thousands of customers in North America, South America, and Europe from the 40.5° W.L. orbital location, New Skies will be directly affected by the increased EIRP levels proposed by Columbia.

As stated in its Application, Columbia has an existing coordination agreement with New Skies that specify operational and technical conditions that each party has agreed to meet in order to achieve technical compatibility between their C-band networks in the Atlantic Ocean Region, including the 37.5° W.L. and 40.5° W.L. orbital locations. This agreement has been approved by both the Commission and the Netherlands

¹ See Public Notice, Rep. No. SAT-00243 (rel. Sept. 24, 2004).

administration. Among other things, this agreement specifies maximum satellite EIRP densities not to be exceeded by both parties' satellites. These levels translate into equivalent satellite EIRP per 36 MHz transponder significantly less than the maximum EIRP levels at which Columbia now proposes to operate all of the AMC-12 beams.²

Columbia states in its Application that it is "in the process of coordinating the operation of AMC-12 with neighboring spacecraft and will operate in accordance with coordination agreements developed with adjacent spacecraft operators."³ While the coordination agreement does contemplate that the parties could, on a case-by-case basis, coordinate operations at higher EIRP levels than those established in the agreement, no such further coordination has yet been achieved between Columbia and New Skies that would cover the EIRP levels proposed in Columbia's Application.

In these circumstances, New Skies submits that the Commission cannot grant Columbia's request without (1) explicitly conditioning such authorization upon successful completion of coordination with New Skies and operation consistent with any new coordination agreement, and (2) requiring Columbia to operate within the parameters established by existing coordination agreements until such time as new agreements are put in place. Of course, if a new agreement covering the higher proposed EIRP levels is reached while the Application is still pending, Columbia could so notify the Commission and no such conditions would be necessary.

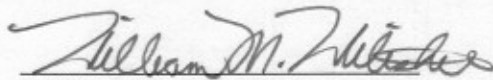
² See Application Narrative, Table 1 (44 dBW) and Schedule S Data, Tables 1 and 2 (42 dBW).

³ Application Narrative at p. 2.

Accordingly, in the absence of a new coordination agreement, New Skies requests that the Commission impose the conditions discussed above on any grant of the Application.

Respectfully submitted,

NEW SKIES SATELLITES NV

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Dated: October 22, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 2004, a copy of the foregoing
Comments of New Skies Satellites N.V. was served by first class mail, postage prepaid,
upon:

Karis Hastings
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A handwritten signature in cursive script, appearing to read "Karis Hastings", written over a horizontal line.