

See also: SAT-AMD-20051118-00222  
SAT-PPL-20050706-00183



File # SAT-AMD-20050714-00147 with attached conditions  
Call Sign S2677 Grant Date 3/29/2006  
(or other identifier)  
Term Dates  
From See conditions To: See conditions  
Approved: [Signature] Chief  
Robert G. Nelson Satellite Division

Approved by OMB  
3060-0678

Date & Time Filed: Jul 14 2005 4:19:44:890PM  
File Number: SAT-AMD-20050714-00147

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM	FCC Use Only
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	

**APPLICANT INFORMATION**

Enter a description of this application to identify it on the main menu:  
Supplement to Petition for Declaratory Ruling to Add Star One C1 at 65 W.L. to the Permitted Space Station List

1-8. Legal Name of Applicant			
<b>Name:</b>	Star One S.A.	<b>Phone Number:</b>	552121219126
<b>DBA Name:</b>		<b>Fax Number:</b>	552121219321
<b>Street:</b>	Praia de Botafogo 228, 3o. and Rio de Janeiro	<b>E-Mail:</b>	lprates@starone.com.br
<b>City:</b>		<b>State:</b>	
<b>Country:</b>	Brazil	<b>Zipcode:</b>	-
<b>Attention:</b>	Mr Luiz Prates		

**ATTACHMENT**  
**SAT-PPL-20050706-00143, SAT-AMD-20050714-00147, SAT-AMD-20051118-00222**  
**Conditions of Permitted Space Station List Grant**  
**March 29, 2006**

Pursuant to Sections 303(r), 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 303(r), 308, 309, 310, and Sections 0.261 and 25.137(c) of the Commission's rules, 47 C.F.R. §§ 0.261, 25.137(c), the Petition for Declaratory Ruling filed by Star One SA (File No. SAT-PPL-20050706-00143, as amended by SAT-AMD-20050714-00147<sup>1</sup> and SAT-AMD-20051118-00222<sup>2</sup>) to add the hybrid C and Ku-band Star One C1 satellite (Call Sign S2677) located at the 65° W.L. orbital location, which is licensed by Brazil, to the Commission's Permitted Space Station List is GRANTED. Accordingly, each U.S.-licensed earth station with "ALSAT" designated as a point of communication, IS GRANTED authority to provide Fixed Satellite Services (FSS) in the 14000-14500 GHz (Earth-to-space), 11700-12200 GHz (space-to-Earth), 5925-6425 MHz (Earth-to-space) and 3700-4200 MHz (space-to-Earth) frequency bands, to, from, or within the United States, by accessing the Star One C1 satellite (Call Sign S2677) at the 65° W.L. orbital location, in accordance with the technical specifications set forth in its petition for declaratory ruling, this Attachment, and the Commission's Rules and subject to the following conditions:

- a) Star One C1 is not authorized to provide any Direct-to-Home (DTH) service, Direct Broadcast Satellite (DBS) service, or Digital Audio Radio Service (DARS) to, from, or within the United States;
- b) Communications between ALSAT-designated routine earth stations and the Star One C1 satellite shall be in compliance with the satellite coordination agreements reached between Brazil and other administrations;
- c) Star One's request for waiver of Section 25.210(a)(3), 47 C.F.R. 25.210(a)(3), of the Commission's rules is GRANTED as conditioned. Section 25.210(a)(3) requires that all space stations in the FSS used for domestic service in the C-band shall be capable of switching polarity upon ground command. This provision is required for two reasons: to permit U.S.-licensed satellites the flexibility to be assigned to different U.S. orbital positions and to mitigate potential interference between adjacent FSS systems transmitting analog TV signals. The transmission polarization of the C-band payload of the Star One C1 satellite cannot be reversed from the ground. Star One indicates that it has not completed international coordination of the Star One C1 with the operators of the adjacent satellites serving the U.S. market. Thus, as a condition of this waiver, Star One is prohibited from transmitting or receiving analog TV signals to, from or within the

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<sup>1</sup> Star One Supplement to Petition for Declaratory Ruling to Add Star One C1 at 65° W.L. to the permitted list, filed July 14, 2005. This supplement requests a waiver of the full frequency reuse requirement of Section 25.210(f), 47 C.F.R. § 25.210(f).

<sup>2</sup> Star One Amendment to Incorporate an Amended Orbital Debris Mitigation Plan into Petition for Declaratory Ruling for Star One C1, filed November 18, 2005.

United States until such time as it has completed coordination. Further, Star One must accommodate future satellite networks serving the United States that are two-degree compliant. Grant of this waiver request is consistent with our precedent,<sup>3</sup>

d) Star One's request for waiver of Section 25.210(i), 47 C.F.R. § 25.210(i) of the Commission's rules IS GRANTED as conditioned. Section 25.210(i) directs, "Space station antennas in the Fixed-Satellite Service must be designed to provide a cross-polarization isolation such that the ratio of the on axis co-polar gain to the crosspolar gain of the antenna in the assigned frequency band shall be at least 30 dB within its primary coverage area." Star One indicates although the cross-polarization isolation of the Star One C1 satellite's antennas will comply with 30 dB minimum isolation over 80% the coverage area, the isolation of the C-Band BSC antenna may be as low as 27 dB and the Ku-Band MK antenna may be as low as 28 dB in the remaining 20% of the coverage area (typically at edge of coverage). The shortfall will not produce a significant increase in interference, except to Star One C1. Further, Star One must accommodate future satellite networks serving the United States that are two-degree compliant. Grant of this waiver request is consistent with our precedent.<sup>4</sup>

e) Star One's request for waiver of sections 25.211(a) and (b), 47 C.F.R. §§ 25.211(a) and (b) IS GRANTED as conditioned. Section 25.211(a) requires C-band analog video transmissions to occur at specific center frequencies and Section 25.211(b) requires carrier frequencies for Ku-band TV/FM transmissions to be identified for coordination with adjacent U.S. satellite systems and affected satellite systems of other administrations. Star One states that it has not completed coordination with all potentially affected U.S. satellite operators and thus it is not certain what center frequencies may be used for C-band and Ku-band FM/TV transmissions. Star One has agreed to provide such information after completion of the coordination with potentially affected U.S. satellite operators and request any necessary waivers at that time. Under these circumstances, we find that Star One's failure to identify the center frequencies to be used for C-band and Ku-band FM/TV transmissions does not preclude grant of the petition for declaratory ruling in this instance as we have already precluded this type of transmission. Specifically, as noted above as a condition of inclusion on the Permitted List, U.S. licensed earth stations are prohibited from transmitting or receiving FM/TV transmissions from television signals from the satellite. In addition to the points discussed above, this condition will only be lifted upon the filing of a modification request that demonstrates compliance with the Commission's rules, including section 25.211(a) and (b).

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<sup>3</sup> See Mabuhay Philippines Satellite Corp. Petition for Declaratory Ruling, Application of Loral CyberStar, Inc. for Authority to Operate Two Transmit/Receive Earth Stations at Kapolei, Hawaii, for Use in Conjunction with the Mabuhay Satellite Located at 146 E.L., *Order and Authorization*, 15 FCC Rcd 23671, 23676 para. 13 (2000) (granting a waiver of section 25.210(a)(3) and imposing the same condition imposed here).

<sup>4</sup> Star One S.A.; Petition for Declaratory Ruling to Add The Star One C1 Satellite at 65° W.L. to the Permitted Space Station List, *Order*, 19 FCC Rcd 16334 (Sat. Div. 2004) (finding that the impact on neighboring satellite systems of a 3-5 dB difference from the required cross polarization isolation ratio would be negligible).

f) Star One's request for waiver of the frequency reuse requirement of section 25.210(f), 47 C.F.R. § 25.210(f), with respect to the Ku-band payload<sup>5</sup> IS GRANTED as conditioned. Section 25.210(f) requires all FSS space stations to employ state-of-the-art full frequency reuse either through the use of orthogonal polarizations within the same beam and/or the use of spatially independent beams. The full-frequency reuse requirements were designed to ensure that satellites maximized the use of their transponder capacity to the benefit of the public.<sup>6</sup> The Commission has waived these requirements where, as in the case of Star One C1 at 65° W.L., doing so would allow satellite capacity that would otherwise lay dormant to be used to provide service as long as such use does not preclude a state-of-the-art satellite from operating at this location.<sup>7</sup> Grant of this waiver request is consistent with our precedent.<sup>8</sup>

g) Unless extended by the Commission for good cause shown, Star One C1 shall be removed from the Permitted Space Station List in the event the space station is not constructed, launched, and successfully placed into operation in accordance with the technical parameters in its Petition for Declaratory Ruling and the terms and conditions of this grant, by the following dates:

Launch: March 29, 2008

Star One S. A. must file a bond with the Commission in the amount of \$750,000 pursuant to the procedures set forth in Public Notice, DA 03-602, 18 FCC Rcd 16283 (2003), no later than April 29, 2006.<sup>9</sup>

h) This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's

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<sup>5</sup> Star One S.A.; Petition for Declaratory Ruling to Add The Star One C1 Satellite at 65° W.L. to the Permitted Space Station List, Supplement to Petition for Declaratory Ruling, IBFS No. SAT-AMD-20050714-00147.

<sup>6</sup> *Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations*, Report and Order, CC Docket No. 81-704, 54 RR 2d 577, 598 (para. 70) (1983) (*Two-Degree Spacing Order*). See also *Systematics General Corporation*, Memorandum Opinion and Order, 103 FCC 2d 879, 881 (para. 6) (1985) (*1985 Systematics Order*).

<sup>7</sup> See, e.g., *1987 Systematics Order*, 2 FCC Rcd 7550 (authorizing the TDRS-1 and TDRS-3 satellites, which did not meeting the full frequency reuse requirement, to provide service from the 41° W.L. and 62° W.L. orbit locations until those locations were ready to be occupied by compliant satellites). See also *Columbia Communications Corporation*, Memorandum Opinion, Order, and Authorization, 7 FCC Rcd 122, 123 (para. 15) (1991) (*Columbia Full Frequency Reuse Waiver Order*).

<sup>8</sup> See *Columbia Full Frequency Reuse Waiver Order*, 7 FCC Rcd at 123 (para. 15).

<sup>9</sup> As part of grant of the Petition for Declaratory ruling, we find that Star One has met the milestones for Contract Execution, Critical Design Review, and Commence Construction. Accordingly, we only impose one milestone with an accordingly shortened schedule. Star One's request for waiver of the first three milestones and a partial waiver of the requirement to post a \$3 million bond pursuant to Sections 25.137, 25.164 and 25.165 of the Commission's rules is dismissed as moot.

rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

9-16. Name of Contact Representative

<b>Name:</b>	Alfred M. Mamlet	<b>Phone Number:</b>	202-429-3000
<b>Company:</b>	Step toe & Johnson LLP	<b>Fax Number:</b>	202-429-3902
<b>Street:</b>	1330 Connecticut Avenue N.W.	<b>E-Mail:</b>	amamlet@step toe.com
<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20036-1795
<b>Attention:</b>		<b>Relationship:</b>	Legal Counsel

CLASSIFICATION OF FILING

<p>17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.</p> <p><input type="radio"/> a1. Earth Station</p> <p><input checked="" type="radio"/> a2. Space Station</p>	<p>(N/A) b1. Application for License of New Station</p> <p>(N/A) b2. Application for Registration of New Domestic Receive-Only Station</p> <p><input checked="" type="radio"/> (N/A) b3. Amendment to a Pending Application</p> <p><input type="radio"/> (N/A) b4. Modification of License or Registration</p> <p>b5. Assignment of License or Registration</p> <p>b6. Transfer of Control of License or Registration</p> <p><input type="radio"/> (N/A) b7. Notification of Minor Modification</p> <p>(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite</p> <p>(N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States</p> <p><input type="radio"/> (N/A) b10. Other (Please specify)</p>
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TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify)

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier     Non-Common Carrier

22. If earth station applicant, check all that apply.

- Using U.S. licensed satellites  
 Using Non-U.S. licensed satellites

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

- Connected to a Public Switched Network     Not connected to a Public Switched Network     N/A

24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz)     b. Ku-Band (12/14 GHz)  
 c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower:    Frequency Upper: (Please specify additional frequencies in an attachment)



TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- a. Fixed Earth Station
- b. Temporary-Fixed Earth Station
- c. 12/14 GHz VSAT Network
- d. Mobile Earth Station
- e. Geostationary Space Station
- f. Non-Geostationary Space Station
- g. Other (please specify)    Petition for Declaratory Ruling

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive     Transmit-Only     Receive-Only     N/A
- "For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a -- authorization to add new emission designator and related service
- b -- authorization to change emission designator and related service
- c -- authorization to increase EIRP and EIRP density
- d -- authorization to replace antenna
- e -- authorization to add antenna
- f -- authorization to relocate fixed station
- g -- authorization to change frequency(ies)
- h -- authorization to add frequency
- i -- authorization to add Points of Communication (satellites & countries)
- j -- authorization to change Points of Communication (satellites & countries)
- k -- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l -- authorization to change orbit location
- m -- authorization to perform fleet management
- n -- authorization to extend milestones
- o -- Other (Please specify)

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.  Yes  No

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?  Yes  No

30. Is the applicant an alien or the representative of an alien?  Yes  No  N/A

31. Is the applicant a corporation organized under the laws of any foreign government?  Yes  No  N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?  Yes  No  N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes  No  N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

#### BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?  
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes  No

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

Yes  No

<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p>	<p>Ownership—Officers</p>

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.

Yes  No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.

Yes  No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station? Brazil

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

See attached Supplement to Petition for Declaratory Ruling to Add the Star One C1 Satellite at 65 W.L. to the Permitted Space Station List. Except as set forth in this supplement, all other information submitted with SAT-PPL-20050706-00143 remains the same and is hereby incorporated by reference.

Supplement

**CERTIFICATION**

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing  
Luiz Otavio Vasconcelos Prates

46. Title of Person Signing  
Director of External Affairs

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**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT  
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION  
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).**

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**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**



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

\_\_\_\_\_  
In the Matter of )

**Star One S.A.** )

Petition for Declaratory Ruling To Add )  
the Star One C1 Satellite at 65° W.L. )  
to the Permitted Space Station List )  
\_\_\_\_\_ )

File No. SAT-PPL-20050706-00143

To: The Commission

**SUPPLEMENT TO PETITION FOR DECLARATORY RULING**

Star One S.A. ("Star One"), by its attorneys, hereby supplements its Petition for Declaratory Ruling to add the Star One C1 satellite at 65° W.L. to the Permitted Space Station List ("Permitted List")<sup>1</sup> to further request a waiver, to the extent necessary, of the full frequency reuse requirement in Section 25.210(f) of the Commission's Rules, 47 C.F.R. § 25.210(f), with respect to the Ku-band payload of the satellite.<sup>2</sup>

The Ku-band payload of the Star One C1 satellite does not provide full frequency reuse either through the use of dual orthogonal polarization and/or through the use of spatially independent beams.<sup>3</sup> Commission rules may be waived if there is "good cause" to do so.<sup>4</sup>

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<sup>1</sup> See SAT-PPL-20050706-00143 (filed Jul. 6, 2005) ("Petition"). Except as set forth herein, all other information submitted with the Petition remains the same and is hereby incorporated by reference.

<sup>2</sup> The Petition already requests certain limited technical waivers of the Commission's rules regarding the polarity-switchability requirement (47 C.F.R. § 25.210(a)(3)) and the cross-polarization isolation requirement (47 C.F.R. § 25.210(i)).

<sup>3</sup> See Petition at Exhibit 2 (Technical Appendix at Section 1.1.1, Table 4).

<sup>4</sup> See 47 C.F.R. § 1.3. See also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969) (*WAIT Radio*); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1166 (D.C. Cir. 1990).

Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule.<sup>5</sup> Circumstances that would justify a waiver include “considerations of hardship, equity, or more effective implementation of overall policy.”<sup>6</sup> Generally, the Commission may grant a waiver of its rules if the relief requested would not undermine the policy objective of the rule in question and would otherwise serve the public interest.<sup>7</sup>

In this case, there is good cause for granting the requested waiver. The full frequency reuse requirements were designed to ensure that satellites maximize the use of their transponder capacity to the benefit of the public.<sup>8</sup> The Commission has waived these requirements, however, where doing so would make available satellite capacity that would not otherwise be used to provide service in the United States, so long as such use would not preclude a state-of-the-art satellite from operating at the orbital location.<sup>9</sup> Star One C1 will operate from the 65° W.L. orbital location regardless of whether the Commission places it on the Permitted List to provide service in the United States. No other country plans to launch a fully-compliant Ku-band

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<sup>5</sup> *Northeast Cellular*, 897 F.2d at 1166. See also *Comsat Corporation, Petition for Partial Relief from the Current Regulatory Treatment of Comsat World Systems’ Switched Voice, Private Line, and Video and Audio Services*, Order, 11 FCC Rcd. 9622, 9625 ¶ 10 (1996); *Petition of General Communications, Inc. for a Partial Waiver of the Bush Earth Station Policy*, Memorandum Opinion and Order, 11 FCC Rcd 2535, 2536 ¶ 4 (Int’l Bur. 1996).

<sup>6</sup> *WAIT Radio*, 418 F.2d at 1159.

<sup>7</sup> *Id.* at 1157; *Dominion Video Satellite, Inc.*, Order and Authorization, 14 FCC Rcd. 8182, 8185 ¶ 5 (Int’l Bur. 1999).

<sup>8</sup> *Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations*, Report and Order, CC Docket No. 81-704, 54 RR 2d 577, 598 ¶ 70 (1983). See also *Systematics General Corporation*, Memorandum Opinion and Order, 103 FCC 2d 879, 881 ¶ 6 (1985).

<sup>9</sup> See *Hispasat S.A.*, Order, 18 FCC Rcd 21142, at ¶ 13 (2003) (“HISPASAT-1D Order”); *TRW, Inc.*, Memorandum Opinion, Order and Authorization, 8 FCC Rcd 6650, at ¶ 15 (1993).

satellite into this location. Thus, adding the Star One C1 satellite to the Permitted List with the requested waiver would promote competition for Ku-band services in the United States without any detriment to the public, while refusing to add it to the Permitted List would preclude any Ku-band service to the U.S. at all from that orbital slot. It would therefore better serve the public interest to grant the requested waiver. Indeed, the Commission has previously granted an identical waiver for the HISPASAT-1D satellite on precisely the same grounds,<sup>10</sup> and should do so again here.

Accordingly, the Commission should grant Star One C1 a waiver of the full-frequency reuse requirement, to the extent necessary, in order to allow the public to receive service from an additional satellite operator.

Respectfully submitted,

s/ Alfred M. Mamlet

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Alfred M. Mamlet  
Philip L. Malet  
Chung Hsiang Mah  
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Washington, D.C. 20036  
(202) 429-3000

*Counsel for Star One S.A.*

July 14, 2005

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<sup>10</sup> HISPASAT-1D Order at ¶¶ 12-13.

**STAR ONE S.A. OWNERSHIP AND  
OFFICERS AND DIRECTORS**

**Star One S.A. Ownership:**

Star One S.A. is 80.01% owned by Empresa Brasileira de Telecomunicações S.A. ("Embratel") and 19.99% owned by Société Européenne des Satellites S.A. ("SES"). The address of Embratel is Av. Presidente Vargas 1012, 20179-900 - Rio de Janeiro, Brazil. The address of SES is L-6815 Chateau de Betzdorf, Luxembourg.

Embratel is 98.8% owned by Embratel Participações S.A., a Brazilian company that is publicly traded in Brazil and the United States. The remaining 1.2% of Embratel is widely held by pension funds, institutions and individuals, many of whom are not U.S. nationals. Telmex ("Telmex,"), through its Brazilian subsidiaries Startel, Telmex Solutions, both located at Rua Regente Feijó, 166, 16º andar, sala 1678-C - Rio de Janeiro, Brazil and New Startel located at Av. Presidente Vargas 1012, 20179-900 - Rio de Janeiro, Brazil, owns 90.3% of the voting shares (and 33.6% of the total stock) of Embratel Participações S.A. No other shareholder holds more than 10% of the voting stock of Embratel Participações S.A.

SES is a wholly-owned subsidiary of SES Global S.A. ("SES Global"). The address of SES Global is L-6815 Chateau de Betzdorf, Luxembourg. The shareholders of a 10% or greater interest in SES Global include: (i) GE Electric Capital Corporation, a New York Corporation located at 260 Long Ridge Road, Stamford, CT 06927, holds shares representing a 30.73% economic interest and 20.10% voting interest in of SES Global; (ii) Deutsche Telekom, A.G., a German corporation located at Friedrich-Ebert-Allee 140, 53115 Bonn, Germany, holds shares representing a 13.15% economic interest and 10.35% voting interest in of SES Global; and (iii) the State of Luxembourg and Bank et Caisse d'Épargne de l'Etat ("BCEE") and the Société Nationale de Crédit et d'Investissement ("SNCF"), Luxembourg banking companies 100% owned by the State of Luxembourg and located at 1, place de Metz, L-2954 Luxembourg and 7, place du St. Esprit, L-1475 Luxembourg, respectively, together hold shares representing a 16.67% economic interest and 34.90% voting interest in of SES Global.

**Star One S.A. Officers and Directors:**

**Officers (including title and nationality):**

Edson Soffiatti - Chief Executive Officer (Brazil)  
Ana Beatriz Gorini - Chief Administrative and Financial Officer (Brazil)  
Ricardo Cesar de Campos Cruz - Chief Broadband Officer (Brazil)  
Lincoln Amazonas Antunes de Oliveira - Chief Engineering and Operations Officer  
(Brazil)  
Mauro Wajnberg - Chief Space Segment Business Officer (Brazil)  
Luiz Otavio Vasconcelos Prates - Chief External Affairs Officer (Brazil)  
Francisco Carlos Perrota - Chief Sales and Marketing Officer (Brazil)

**Directors (including nationality):**

Carlos Henrique Moreira - Chairman (Brazil)  
Alberto de Orleans e Bragança (Brazil)  
Dilio Sergio Penedo (Brazil)  
Antônio Oscar de Carvalho Petersen Filho (Brazil)  
Ivan Campagnolli Junior (Brazil)  
Edson Soffiatti (Brazil)  
Isaac Berensztejn (Brazil)  
Mark L. Rigolle (Belgium)  
Robert Bednarek (United States)

The address of all Star One officers and directors is Praia de Botafogo 228, 3o. Andar  
22250-906 - Rio de Janeiro, Brazil.