

Amendment¹

Spectrum Five herein clarifies information provided in a previously filed amendment² to conform the pending petition for declaratory ruling seeking U.S. market access for a Netherlands-licensed 17/24 GHz satellite at the nominal 119° W.L. orbital location to the Commission's new licensing rules and policies.³ In the December 2011 Amendment, Spectrum Five explained that that, consistent with Section 25.264(a) of the Commission's rules,⁴ predicted transmitting antenna off-axis antenna gain information was provided at three measurement frequencies in the 17.3-17.8 GHz frequency band for the CONUS beam and 53 spot beams.⁵ In a footnote, Spectrum Five explained that "[t]he attached technical materials note frequencies 17.3 GHz, 17.5 GHz, and 17.7 GHz that have been rounded down."⁶ Spectrum Five clarifies that the actual measurement frequencies are 17.305 GHz, 17.5 GHz, and 17.695 GHz.

The remaining technical information in Spectrum Five's pending petition is unchanged and is incorporated by reference.⁷

¹ This amendment is provided in response to a letter from the FCC's International Bureau to Spectrum Five LLC. *See* Letter from Robert G. Nelson, Chief, Satellite Division, International Bureau, to Todd M. Stansbury, IBFS File No. SAT-AMD-20111223-00247 (Mar. 9, 2012).

² On December 23, 2011, Spectrum Five filed an amendment to shift the requested orbital location from 118.8° W.L. to 119.25° W.L. to provide a minimum 0.2° separation with DBS space stations and provide predicted transmitting off-axis antenna gain data for its proposed 17/24 GHz satellite. *See* File No. SAT-AMD-20111223-00247 (filed Dec. 23, 2011) ("December 2011 Amendment").

³ *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, 26 FCC Rcd 8927 (2011) ("17/24 GHz BSS Second R&O").

⁴ 47 C.F.R. § 25.264(a).

⁵ *See* December 2011 Amendment.

⁶ *Id.* at 4, note 9.

⁷ *In the Matter of Spectrum Five LLC Petition for Declaratory Ruling to Serve the U.S. Market from the 118.8° W.L. Orbital Location in the 17/24 Broadcasting Satellite Service Band*, Petition for Declaratory Ruling, File Nos. SAT-LOI-20081113-00216, SAT-AMD-20091026-00113 (filed Nov. 13, 2008) ("Petition"). On December 23, 2011, Spectrum Five filed an amendment to shift the requested orbital location from 118.8° W.L. to 119.25° W.L. to provide a minimum 0.2° separation with DBS space stations and provide predicted transmitting off-axis antenna gain data for its proposed 17/24 GHz satellite. *See* File No. SAT-AMD-20111223-00247 (filed Dec. 23, 2011) ("December 2011 Amendment"); Spectrum Five filed an amendment to provide orbital eccentricity data. *See* File No. SAT-AMD-20120308-00038 (filed Mar. 8, 2012).

Cancelled Authorizations

FCC Form 312, Response to Question 36

Spectrum Five filed a petition¹ seeking a declaratory ruling to extend or waive the interim construction milestone associated with the 114.5° W.L. authorization.² The International Bureau (“Bureau”) has denied this petition and cancelled Spectrum Five’s authorization for the 114.5° W.L. orbital location.³ Spectrum Five has a pending petition for reconsideration of this decision, asking the Bureau to reconsider its decision and reinstate Spectrum Five’s market access authorization for the 114.5° W.L. orbital location.⁴ Notwithstanding the fact that the Bureau’s action does not seem to be the kind of revocation action contemplated by Question 36, Spectrum Five is herein making note of the decision in the interest of absolute candor and out of an abundance of caution. In any event, the Bureau’s action does not reflect on Spectrum Five’s basic qualifications, which are well-established and a matter of public record.

¹ Spectrum Five LLC, Petition for Declaratory Ruling To Modify Its Authorization to Serve the U.S. Market Using BSS Spectrum from the 114.5° W.L. Orbital Location, File No. SAT-MOD-20101126-00245 (filed Nov. 26, 2010).

² *Spectrum Five LLC, Petition for Declaratory Ruling to Serve the U.S. Market Using Broadcast Satellite Spectrum from the 114.5° W.L. Orbital Location*, Order and Authorization, 21 FCC Rcd 14023 (2006).

³ *In the Matter of Spectrum Five LLC Petition for Declaratory Ruling to Extend or Waive Construction Milestone*, Memorandum Opinion and Order, DA 11-1252 (Int’l Bur., Jul. 26, 2011).

⁴ Petition for Reconsideration, File Nos. SAT-MOD-20101126-00245 and SAT-MOD-20101126-00269 (filed Aug. 25, 2011).