



SatCom Law LLC  
1317 F St. NW, Suite 400  
Washington, D.C. 20004  
T 202.599.0975  
www.satcomlaw.com

January 28, 2014

**FILED ELECTRONICALLY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation, IBFS File Nos. SAT-RPL-20121228-00227  
& SAT-AMD-20131113-00132, Call Sign S2892**

Dear Ms. Dortch:

On January 24, 2014, representatives of SES met with Jeffrey Neumann, Acting Legal Advisor to Commissioner Pai; Diane Cornell, Special Counsel to Chairman Wheeler; Alison Neplokh, Acting Legal Advisor to Commissioner Rosenworcel; Louis Peraertz, Legal Advisor to Commissioner Clyburn; and Erin McGrath, Legal Advisor to Commissioner O'Rielly, to discuss the above-referenced application for the SES-3 C- and Ku-band replacement satellite. The SES-3 application has been designated as permit-but-disclose for purposes of the *ex parte* rules effective October 31, 2013.<sup>1</sup>

The purpose of the meetings was to seek expedited grant of the SES-3 application. The SES presentation focused on the attached document, which was distributed at the meetings.

Please contact the undersigned if you have any questions.

Respectfully submitted,

*/s/ Karis A. Hastings*

Karis A. Hastings  
Counsel for SES  
[karis@satcomlaw.com](mailto:karis@satcomlaw.com)

Attachment


cc: Diane Cornell  
Alison Neplokh  
Louis Peraertz

Erin McGrath  
Jeffrey Neumann  
William Wiltshire, Counsel for DIRECTV

---

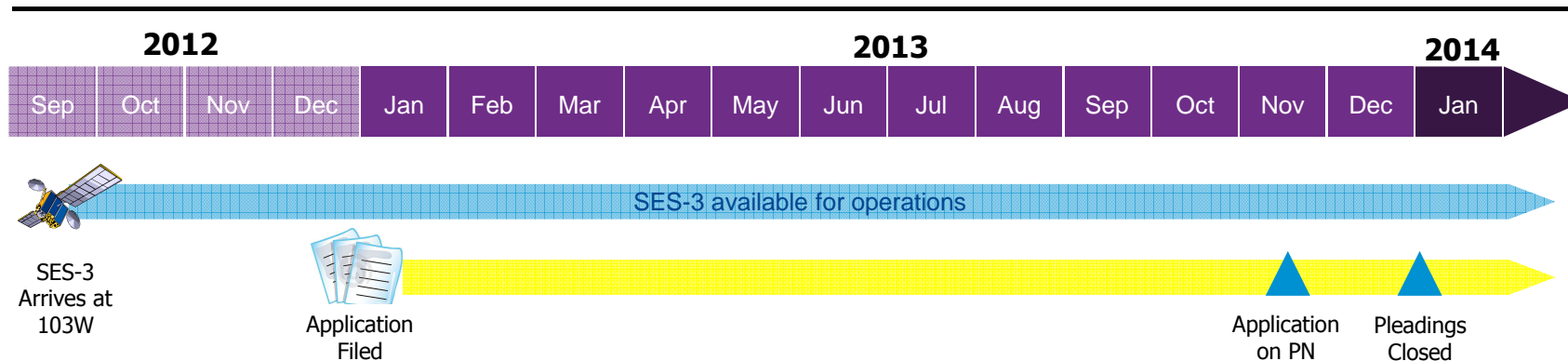
<sup>1</sup> See Policy Branch Information, Actions Taken, Report No. SAT-00979, DA No. 13-2141, rel. Nov. 8, 2013 at 2.

# **SES-3 C/Ku Band Replacement Satellite at 103° W.L.**



January 24, 2014

# SES-3 Chronology



- ▲ The SES-3 Application was filed in December 2012.
- ▲ The Application was identified by SES as a priority item at an April 10, 2013 meeting with staff and during numerous subsequent meetings and telephone calls.
- ▲ Staff requested additional information concerning expected EOL and TT&C at a meeting June 21, 2013; all requested information has been provided to staff.
- ▲ On August 27, 2013, staff asked SES to request its partially-owned Canadian affiliate to undertake coordination with a lower-priority filing in the 17/24 GHz BSS band licensed to DirecTV; SES understands that such coordination efforts are on-going.
- ▲ In a September 26, 2013 meeting with staff, SES emphasized that immediate Commission processing is needed to ensure an orderly service transition.
- ▲ The SES-3 Application was placed on public notice on November 15, 2013; the pleading cycle closed on January 3, 2014.

# Immediate Grant of the SES-3 Application Is Justified

---



- ▲ Licensing SES-3 will promote the long-standing Commission policy in favor of ensuring service continuity for customers.
- ▲ Given the especially complex transition that is required, the C- and Ku-band payloads on SES-3 must be authorized in the near term to minimize customer impact.
- ▲ The record is now complete and contains no basis for delaying action:
  - DIRECTV's ability to pursue its planned 17/24 GHz BSS service at 103° W.L. will not be affected by grant of C/Ku authority for SES-3.
  - In any event, DIRECTV's interests as a prospective 17/24 GHz BSS provider cannot possibly outweigh the interests of C- and Ku-band customers who rely on SES capacity at 103° W.L. today.

# AMC-1 Hosts Leading Media and Information Industry Customers



Ku-Band	C-Band
Premier media & entertainment provider serving all U.S. homes	Shopping networks that reach >95 million U.S. households
Distributor of radio broadcasts and EAS alerts to 250 million listeners	#1 Nielsen-rated network with programming for U.S. Hispanics
Leading transportation and logistics provider to corporate fleets	The nation's most watched regional sports networks
Pioneer in digital cinema/signage seen by 100 million people daily	Distributor of video on demand to >60 million VOD-enabled households
Fortune 100 global delivery firm	Backbone infrastructure for the U.S. cable industry via SES North American Cable Neighborhood

# Expedited Grant Will Ensure a Timely and Orderly Service Transition

---



- ▲ The transfer of Ku-band traffic to SES-3 will be unusually complicated and prolonged because SES-3 has a standard polarization orientation and AMC-1 does not.
- ▲ AMC-1 customers must adjust their Ku-band antennas to reflect this change, requiring site visits to thousands of sites dispersed across the country.
- ▲ Customers must schedule the switchover to avoid significant events and need lead time to plan the deployment of personnel, equipment, and other resources.
- ▲ Because receipt of the SES-3 Ku-band beacon is needed to properly adjust the antennas, customers cannot begin the transition process until the Commission grants SES-3 operating authority.

# The Public Interest Calculus Overwhelmingly Supports Grant

---



- ▲ SES has conclusively demonstrated that grant of the SES-3 Application is necessary to ensure service continuity for C- and Ku-band customers.
- ▲ There is no evidence of any countervailing harms to the public interest:
  - DIRECTV has zero customers and is providing no service in the 17/24 GHz BSS band at 103° W.L.
  - DIRECTV effectively concedes in its reply that an SES-3 C/Ku-band grant will not impact DIRECTV's position in the 17/24 GHz BSS band.
  - In any event, the Commission must distinguish between the public interest and DIRECTV's interest: U.S. consumers will benefit from 17/24 GHz BSS service provided by an operator with better international protection from interference.

## 17/24 GHz BSS Issues Do Not Justify Delay

---

- ▲ The Commission will have an opportunity to fully consider matters relating to the 17/24 GHz BSS band when a request for access to the U.S. market using Canadian-licensed capacity is filed.
- ▲ The Commission must reject DIRECTV's self-serving attempt to link action on C- and Ku-band authority to 17/24 GHz BSS coordination:
  - When DIRECTV accepted its 17/24 GHz BSS license at 103° W.L. in 2009, it was aware of the superior Canadian ITU priority and knowingly assumed the coordination risk.
  - Nevertheless, DIRECTV made no attempt to initiate coordination in the years since its license was granted.
  - DIRECTV's bid to delay action on SES-3 is a transparent effort to hold the C- and Ku-band customers at 103° W.L. hostage in order to increase DIRECTV's leverage in unrelated coordination discussions.