



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

February 18, 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 February 12, 2014, the undersigned, outside counsel for SES, spoke by telephone with Diane Cornell, Special Counsel to Chairman Wheeler, 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, 2013.¹ The purpose of the call was to seek expedited grant of the SES-3 application.

During the call, I argued that the SES-3 application fully conforms to all applicable rules and is consistent with Commission policy, so there is no basis for denial of the application. I also emphasized that deferring action on the SES-3 application would create unacceptable risk for current customers served by AMC-1. In particular, I noted that NBCUniversal and other Ku-band customers of AMC-1 have planned for the transition to SES-3 to begin later this month, including making arrangements for personnel, equipment, and other resources needed for the transition. Furthermore, the proposed February-August 2014 transition window allows NBCUniversal to plan the transition around significant live sports events.

In contrast, I noted that delaying action on SES-3 would expose Ku-band customers of AMC-1 to significant uncertainty and the risk of service disruption and increased costs. Although AMC-1 is healthy today and its useful stationkept life is currently expected to extend until April 2016, there can be no guarantees, and the risk that this aging satellite will develop a health issue will only increase as time goes by.

I observed that if the move of Ku-band traffic to SES-3 cannot begin as currently scheduled, it will be impossible to perform the transition without substantial and widespread disruption if AMC-1 suffers an unexpected anomaly. Authorizing SES-3 at that point will be too late. As SES has explained, because of the unusual situation relating to the Ku-band polarization of AMC-1, Ku-band customers are facing a lengthy and complicated transition in the best of

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

circumstances, requiring visits to antennas that are widely dispersed. If the transition to SES-3 has to commence suddenly because an unexpected problem arises with AMC-1, Ku-band customers will be scrambling to make these site visits in order to transition to SES-3 on an expedited basis. Until that process can be completed – which will take up to six months – customers will face service outages if AMC-1 is not operating reliably.

Given these facts, I argued that there is no justification for deferring action on the SES-3 C- and Ku-band application pending completion of coordination of the Canadian-licensed 17/24 GHz BSS payload on the spacecraft. To the contrary, I argued that it is unreasonable for DIRECTV to ask for deferral to finish coordination now because DIRECTV had years to pursue coordination of its inferior 17/24 GHz BSS spectrum rights and failed to initiate any discussions.

Please contact the undersigned if you have any questions.

Respectfully submitted,

/s/ Karis A. Hastings

Karis A. Hastings
Counsel for SES
karis@satcomlaw.com

Attachment

cc: Diane Cornell
William Wiltshire, Counsel for DIRECTV
Margaret Tobey, VP, NBCUniversal