

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

In the Matter of)	
)	
SES AMERICOM, INC.)	File No. SAT-AMD-20150219-00006
)	Call Sign S2445
Amendment to Application for Modification of the)	
AMC-1 Fixed-Satellite Space Station License)	

RESPONSE OF SES AMERICOM, INC.

SES Americom, Inc. (“SES”) hereby responds to the comments filed by Intelsat¹ on the above-captioned amendment seeking reassignment of AMC-1 to 129.15° W.L., where the satellite would operate in the conventional Ku-band, with Telemetry, Tracking and Command (“TT&C”) using certain C-band and Ku-band frequencies (the “AMC-1 Amendment”). Intelsat seeks two conditions relating to coordination of the proposed AMC-1 operations. SES is committed to working in good faith to ensure that AMC-1 operations are compatible with those of neighboring satellites. However, the specific condition language requested by Intelsat cannot be justified under applicable law and policy and must therefore be rejected.

Expedited Commission action on the AMC-1 Amendment will serve the public interest by permitting SES to make efficient use of the satellite to introduce new customer services. As the Commission is aware, SES has had to maintain AMC-1 at its current 103° W.L. orbital location, despite the deployment of the SES-3 replacement satellite at that position in 2012, pending Commission authorization of SES-3. Now that SES-3 has been licensed,² the

¹ Comments of Intelsat License LLC, File No. SAT-AMD-20150219-00006, dated Apr. 6, 2015 (the “Intelsat Comments”).

² *SES Americom, Inc.*, File Nos. SAT-RPL-20121228-00227 & SAT-AMD-20131113-00132, Call Sign S2892, grant-stamped Apr. 2, 2015.

transfer of traffic from AMC-1 to SES-3 is scheduled to be completed in early June. SES requests authority to permit relocation of AMC-1 to begin immediately following that transition no later than June 15, 2015. Finally, to facilitate development of a more complete record regarding the AMC-1 Amendment, SES requests that the Commission designate this proceeding as permit-but-disclose for purposes of the *ex parte* rules.

The U.S.-Japan Ku-Band Coordination Agreement Does Not Bind SES

Intelsat's first request – that any grant of the AMC-1 Amendment require SES “to abide by all existing and future coordination and operator-to-operator agreements”³ – would be acceptable if Intelsat stopped there. However, Intelsat goes on to suggest that such agreements would include “the coordination agreement between the United States and Japan regarding use of the Ku-band frequencies 11.7 – 12.2 GHz and 14.0 – 14.5 GHz at the nominal 127° W.L. and 129° W.L. locations.”⁴ Yet, that agreement, which addressed operations between Intelsat's own Ku-band operations at 129° W.L. and those of its Japanese-licensed Horizons 1 partner at 127° W.L., is no longer in effect. No Ku-band payload has operated at 129° W.L. since Intelsat's Galaxy 27 satellite left that location in 2010.⁵ As a result, under International Telecommunication Union (“ITU”) Radio Regulations, the underlying U.S. filing for Ku-band operations at 129° W.L. is subject to cancellation,⁶ and the U.S.-Japan agreement based on that ITU filing is no longer valid.

³ Intelsat Comments at 1.

⁴ *Id.* at 1-2.

⁵ See *Intelsat Licensee LLC*, Memorandum Opinion and Order, 27 FCC Rcd 11234 (Sat. Div. 2012) at 11239-40, ¶ 16.

⁶ Pursuant to No. **11.49** of the Radio Regulations (edition 2008, in effect at the time Galaxy 27 left 129° W.L.), frequency assignments may be suspended (not operated) for a maximum period of two years while maintaining the validity of the underlying ITU filing. While No. **11.49**

It is also worth noting that SES does not intend to rely on U.S. ITU filings to support AMC-1 operations. Instead, SES proposes to operate AMC-1 at 129° W.L. pursuant to existing ITU filings of the Gibraltar Regulatory Authority (“GRA”).⁷ Even if the U.S.-Japan agreement were still in effect, it would not govern operations of AMC-1 under the GRA ITU filing absent development and execution of a similar agreement between Japan and the United Kingdom.

SES emphasizes, however, that although the U.S.-Japan agreement is no longer in force, SES views it as providing useful benchmark information for SES’s ongoing coordination discussions with Intelsat. As noted above, SES is committed to developing a framework that will accommodate operations of AMC-1 and adjacent networks, and SES is optimistic that the pending discussions will produce a workable coordination solution.

In short, SES does not oppose a condition on the AMC-1 Amendment that would require SES to comply with future coordination agreements, but Intelsat’s request for a condition specifying that the prior U.S.-Japan agreement would govern operations of AMC-1 must be rejected.

The TT&C Condition Intelsat Requests Is Unjustified and Unprecedented

The Commission should dismiss out of hand Intelsat’s request for a condition that would preclude positioning AMC-1 anywhere within six degrees of Intelsat’s Galaxy 12

has since been revised in edition 2012 of the Radio Regulations, the allowed suspension period was extended only to three years. By either measure, the US ITU filing at 129° W.L. is no longer valid and will be cancelled by the ITU in due course.

⁷ SES has separately filed today a supplemental letter to the AMC-1 Amendment to clarify that its operations at 129° W.L. will be coordinated under the GRA’s ITU filing GIBSAT-129W. That letter also asks the Commission to confirm its non-objection to bringing into use the GIBSAT-129W filing with AMC-1. *See* Letter of Karis A. Hastings, Counsel to SES Americom, Inc., to Ms. Marlene H. Dortch, FCC, dated April 17, 2015.

spacecraft absent Intelsat's prior agreement. In recognition that use of the C-band command carrier on AMC-1 in close proximity to Galaxy 12 requires careful planning, SES has configured its proposed TT&C operations to maximize compatibility with nearby spacecraft and has emphasized its willingness to consider further adjustments as necessary based on discussions with Intelsat.⁸ But Intelsat's attempt to acquire veto power over the positioning of AMC-1 at any location in a twelve-degree segment of the orbital arc is clearly unreasonable.

As a threshold matter, Intelsat provides no evidence to support its requested TT&C coordination condition. In the AMC-1 Amendment, SES noted that industry practice is to individually address TT&C coordination matters with adjacent operators, and SES committed to conducting coordination discussions with Intelsat.⁹ SES observed that it planned its TT&C configuration to take advantage of cross-polarization isolation with Galaxy 12's TT&C operations and stated its intention to use an additional TT&C earth station outside the U.S. to further enhance AMC-1's ability to co-exist with Galaxy 12.¹⁰ Intelsat does not respond to the specific SES proposals or provide any analysis; instead, Intelsat makes the bare assertion that "unconditioned, the operation of the AMC-1 satellite's command uplink frequency, 6423.5 MHz, at 129.15° W.L. would cause harmful interference into the Galaxy 12 satellite's communications payload."¹¹ The Commission cannot constrain SES's ability to use AMC-1 to introduce new services based on such an unsupported claim.¹²

⁸ See AMC-1 Amendment, Technical Appendix at 3.

⁹ See *id.* at 20-23.

¹⁰ See *id.*

¹¹ Intelsat Comments at 2.

¹² See, e.g., *SES Satellites (Gibraltar) Limited*, File Nos. SAT-PPL-20101103-00230 & SAT-APL-20110120-00015, Call Sign S2818, grant-stamped Oct. 13, 2011 (the "NSS-703 Grant"),

Moreover, Intelsat strains credulity when it claims that its operation of Galaxy 12 at 129° W.L. should give it the right to veto AMC-1's placement not just at the nominal 129° W.L. orbital location, but anywhere else within six degrees. Intelsat cites no precedent for such a facially overbroad condition. This is not surprising, as to SES's knowledge the Commission has never imposed a plus-or-minus six degree prior coordination requirement on band-edge, two-degree compliant TT&C operations such as those of AMC-1.¹³ Indeed, were the Commission to adopt such a standard, Intelsat's own operations would be seriously disrupted. Equal treatment principles would require application of the standard across the board, and Intelsat has a number of satellites whose command carriers are co-polarized with C-band transponder 24 on SES's neighboring spacecraft but have not been coordinated with SES.¹⁴ By Intelsat's logic, those Intelsat satellites would have to be relocated until coordination agreements with SES could be reached, and in the meantime, service to Intelsat's customers would be

Attachment to Grant at 1 n.1 (rejecting Intelsat's request for a coordination condition given that Intelsat had not presented a challenge to the interference analysis provided by SES Gibraltar).

¹³ The NSS-703 Grant included TT&C coordination conditions, but those were imposed as a condition of granting a waiver of Section 25.202(g) for the satellite's mid-band TT&C carriers. *See id.*, Attachment to Grant at 2, ¶ 3. Even then, the Commission allowed relocation of the satellite to proceed pending completion of coordination discussions. Thus, at a minimum, if the Commission were to impose a condition requiring coordination of the AMC-1 TT&C carriers with Galaxy 12, the effect should be prospective only so that relocation of AMC-1 can take place while coordination discussions are occurring.

¹⁴ For example, SES's AMC-10 operates at 135° W.L. with transponder 24 vertically polarized in the uplink direction, while Galaxy 15 operates at 133° W.L. with the same polarization for its command carrier at 6424.5 MHz. Although the Galaxy 15 command carriers are further from the band edge of transponder 24 than those of AMC-1 (centered at 6424.5 MHz, rather than 6423.5 MHz), SES has assessed transponder filter performance of transponder 24 on several of its spacecraft, and the difference between the roll-off at 6423.5 MHz and 6424.5 MHz is not material – notably less than 1 dB. As a result, the concerns Intelsat has expressed regarding potential interference from the AMC-1 command carrier would apply equally to command carriers on Intelsat spacecraft operating adjacent to satellites in SES's fleet.

interrupted. Certainly neither Intelsat nor the Commission would want to set a precedent that would have such far-reaching and adverse effects on consumers of satellite services.

Thus, the Commission must deny the TT&C coordination condition requested by Intelsat given the absence of data supporting Intelsat's interference concerns and the customer harm that would result if Intelsat's proposed condition were adopted here and uniformly applied. SES remains committed to continuing to work with Intelsat to define an operational configuration so that AMC-1 and Galaxy-12 can safely and compatibly co-exist at the nominal 129° W.L. orbital location, but the Commission cannot grant Intelsat the wide-ranging veto power it has sought.

SES Requests Designation of the AMC-1 Amendment as Permit-but-Disclose

To facilitate development of a complete record, SES requests that the Commission designate the AMC-1 Amendment proceeding as permit-but-disclose pursuant to Section 1.1200(a) of the Commission's rules. That provision confers discretion on the Commission and its staff to modify the *ex parte* status of a proceeding based on a finding that such modification is in the public interest.¹⁵ Grant of permit-but-disclose status will allow communication between the Commission and the parties regarding the AMC-1 Amendment, producing a more robust record for Commission consideration. As a result, permit-but-disclose designation will enhance the Commission's ability to act on the application.

¹⁵ 47 C.F.R. § 1.1200(a).

Conclusion

For the foregoing reasons and those set forth in the AMC-1 Amendment, SES requests that the Commission reject the condition language proposed by Intelsat and promptly grant authority to relocate AMC-1 to 129.15° W.L.

Respectfully submitted,

SES AMERICOM, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April, 2015, a true copy of the foregoing
“Response of SES Americom, Inc.” is being sent by first class, U.S. Mail, postage paid, to the
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