

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

In the Matter of Application of)	
)	
ES 172 LLC)	File No. SAT-MOD-20171122-00159;
)	SAT-AMD-_____
For License Modification To Operate the)	Call Sign S2610
EUTELSAT 172A Satellite at the 174° E.L.)	
Orbital Location)	
)	
<i>Expedited Action Requested</i>)	

AMENDMENT TO MODIFICATION APPLICATION

ES 172 LLC, an indirect, wholly owned subsidiary of Eutelsat S.A. (“Eutelsat”), pursuant to Section 25.116, 47 C.F.R. §25.116, of the Commission’s rules respectfully submits this amendment to its modification application¹ to operate the EUTELSAT 172A satellite (Call Sign S2610, renamed and referred to herein as “EUTELSAT 174A”) at the 174° East Longitude (“E.L.”) orbital location with a $\pm 0.10^\circ$ station-keeping tolerance. No other changes to the modification application are proposed herein. ES 172 LLC is filing contemporaneously herewith a request for special temporary authority (“STA”) to operate the satellite with the same station-keeping tolerance during the pendency of the modification application, as amended.

The Commission recently granted ES 172 LLC an STA to operate EUTELSAT 174A at 174° E.L.² Among other conditions, the satellite must be operated with a station-keeping tolerance of 0.05° consistent with the original application for the satellite license³ and Section 25.210(j) of the Commission’s rules, 47 C.F.R. §25.210(j). ES 172 LLC now amends its

¹ See ES 172 LLC, Call Sign S2610, File No. SAT-MOD-20171122-00159.

² See ES 172 LLC, SAT-STA-20171122-00160, Call Sign S2610 (granted Nov. 29, 2017).

³ See File No. SAT-LOA-20031218-00358 (granted July 13, 2004) (Narrative Application and Technical Appendix).

application to specify a station-keeping tolerance of $\pm 0.10^\circ$ consistent with that of EUTELSAT 172B⁴ and many other U.S. and foreign satellites.⁵

Section 25.210(j) of the Commission's rules requires satellite operators to maintain station-keeping within $\pm 0.05^\circ$ of their assigned orbital longitude in the east/west direction, unless specifically authorized by the Commission to operate with a different longitudinal tolerance. The Commission has previously allowed an increased station-keeping tolerance based on a finding that doing so would not adversely affect the operations of other spacecraft and would have benefits such as conserving fuel for future operations.⁶

Allowing EUTELSAT 174A to operate with an increased station-keeping volume will have no adverse impact on other operators because the volume will not overlap with that of any other satellites, the only two-degree spaced satellite is EUTELSAT 172B which is controlled by ES 172 LLC, and the next closest satellites on either side of EUTELSAT 174A are 5° and 6° away, respectively. Furthermore, a station-keeping tolerance of $\pm .10^\circ$ will afford ES 172 LLC additional operational flexibility and conserve fuel to extent the on-orbit lifetime of this valuable satellite asset.⁷ Under these circumstances, permitting a larger station-keeping tolerance under Section 25.210(j) will serve the public interest.

⁴ See ES 172 LLC, SAT-STA-20171104-00149, Call Sign S2610 (granted Nov. 16, 2017).

⁵ Because Section 25.210(j) expressly contemplates a larger station-keeping tolerance, it is not clear that a waiver of the rule is needed for the Commission to permit a larger value. Out of an abundance of caution, ES 172 LLC requests such a waiver to the extent necessary.

⁶ See, e.g., SES Americom, Inc. Application for Modification of Satcom SN-4 Fixed Satellite Space Station License, 20 FCC Rcd 11542, 11545 (Sat. Div. 2005).

⁷ ES 172 LLC intends to file a separate modification application to extend the term of the satellite license once EUTELSAT 174A operations have normalized and there is a better understanding of the potential lifetime of the satellite at the 174° E.L. orbital location.

ES 172 LLC notes that the Commission has repeatedly granted authority to operate with a $\pm .10^\circ$ station-keeping tolerance, subject to the condition that authority to operate with the larger tolerance shall terminate in the event that a satellite is launched into a location such that its station-keeping volume would overlap a satellite's ± 0.10 degree station-keeping volume, but would not overlap a $\pm 0.05^\circ$ degree station-keeping volume, unless the satellite operator has successfully coordinated its physical operations with those of the other spacecraft.⁸ ES 172 LLC acknowledges and accepts this condition on EUTELSAT 174A operations.

Finally, ES 172 LLC notes this amendment should be considered a minor amendment under Section 25.116 of the Commission's rules, 47 CFR § 25.116(b) (defining major amendment). The amendment does not change the orbital location EUTELSAT 174A, but seeks to expand the station-keeping volume at the assigned orbital location consistent with Commission precedent. The only two-degree spaced satellite is EUTELSAT 172B, which ES 172 LLC controls, and the next closest satellites are 5° and 6° away. Expanding the station-keeping volume would not materially affect the interference environment or otherwise impact these satellites. Status as a minor amendment may affect the public notice requirement for this amendment under Section 25.151 of the Commission's rules, 47 CFR § 25.151, and the potential timing of Commission grant of the associated STA request.

In view of the foregoing, ES 172 LLC respectfully requests grant of the EUTELSAT 174A modification application, as amended to specify a $\pm 0.10^\circ$ station-keeping tolerance.

⁸ See, e.g., FCC ISAT List, available at <https://www.fcc.gov/isat-list> (noting multiple waivers for Inmarsat 3F and 4F satellites).