

Approved by OMB
3060-0678

Date & Time Filed: Dec 18 2003 2:14:02:670PM
File Number: SAT-LOA-20031218-00358
Callsign/Satellite ID: S2610

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| APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS FCC 312 MAIN FORM FOR OFFICIAL USE ONLY | FCC Use Only |
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

Application for AMC-23 to replace Satcom SN-4

| | | | |
|------------------------------|------------------------|---------------|--------------------------------|
| 1-8. Legal Name of Applicant | | | |
| Name: | SES Americom, Inc. | Phone Number: | 609-987-4448 |
| DBA Name: | | Fax Number: | 609-987-4233 |
| Street: | 4 Research Way | E-Mail: | Scott.Tollefsen@ses-americom.c |
| City: | Princeton | State: | NJ |
| Country: | USA | Zipcode: | 08540 |
| Attention: | Mr. Scott B. Tollefsen | | |



File # SAT-LOA-20031218-00358
Call Sign: S2610
AMC-23 Grant Date 7/13/04
Term (Qualifier) [See conditions 10]
Date certifies 15 yrs from
to submit for certification
To [Signature]
Approved: [Signature]

Attachment
Terms and Conditions of Authorization
July 13, 2004

1. SES Americom, Inc.'s ("SES Americom") application, SAT-LOA-20031218-00358, Call Sign S2610, IS GRANTED and SES Americom is authorized to launch and operate its Americom-23 ("AMC-23") hybrid C/Ku/Extended Ku-Band satellite at the 172° E.L. orbital location in the 3700-4200 MHz, 5925-6425 MHz, 10.95-11.2 GHz, 11.45-11.7 GHz, 12.2-12.75 GHz, and 14.-14.5 GHz frequency bands in accordance with the terms, conditions, and technical specifications set forth in its application, this Attachment, and the Commission's Rules.

2. AMC-23 must be constructed, launched, and placed into operation in accordance with the technical parameters and terms and conditions of this authorization by these specified time periods following the date of authorization:
 - a. Execute a binding contract for construction within one year (July 14, 2005);
 - b. Complete the Critical Design Review within two years (July 14, 2006);
 - c. Commence construction within three years (July 14, 2007);
 - d. Launch and begin operations within five years (July 14, 2009); and
 - e. SES Americom must file a bond with the Commission in the amount of \$3 million, pursuant to the procedures set forth in Public Notice, DA 03-2602, 18 FCC Rcd 16283 (2003), within 30 days of the date of this grant (August 12, 2004).¹

Failure to meet any of these dates shall render this authorization null and void.

3. We GRANT SES Americom's request for a waiver of the cross-polarization isolation requirements, contained in Section 25.210 (i) of the Commission's rules. In its application, SES Americom states that the AMC-23's C-band antenna will achieve a cross-polarization isolation of only 27 dB in certain service areas, and AMC-23's Ku-band antennas, will achieve cross-polarization isolation values ranging between 29 dB and 30 dB. Although AMC-23 does not fully conform to the standard set forth in Section 25.210(i) of the Commission's Rules we agree with SES Americom's

¹ In light of the Commission's recent decision to revise the bond amounts to \$3 million for geostationary satellite orbit space stations, we will only require SES Americom to post a \$3 million bond. Amendment of the Commission's Space Station Licensing Rules and Policies, *First Order on Reconsideration and Fifth Report and Order*, IB Docket No. 02-34, FCC 04-147 (rel. July 6, 2004). In the event that the revised bond amounts have not become effective when SES Americom's bond is due, we waive Section 25.165 of the Commission's rules to the extent necessary.

assertions that failure to meet the cross-polarization isolation requirements will not adversely impact any other operator, and that the only party to suffer an increase in interference would be SES Americom itself. Grant of the waiver will serve the public interest by permitting SES Americom to optimize the design of the AMC-23 spacecraft without unduly adding to its weight, complexity or cost, and is consistent with previous Commission actions. *See, e.g., New Skies Satellites N.V., Petition for Declaratory Ruling, Order, DA 02-1256, 17 FCC Rcd. 10,369, para 19 (2002).*

4. SES Americom's request for waiver of Section 25.210(f) of the Commission's Rules is DISMISSED as MOOT. We have reviewed the application and find that the AMC-23 satellite conforms to the full frequency reuse requirements of the Commission's Rules through its use of dual orthogonal polarizations and geographically diverse beams.
5. SES Americom may only provide downlink services into the United States and its possessions in the 10.95-11.2 GHz or 11.45-11.7 GHz frequency bands if the corresponding uplinks originate outside of the United States and its possessions.
6. SES Americom may not provide downlink services into the United States and its possessions in the 12.2-12.75 GHz frequency band.
7. SES Americom is authorized to provide direct-to-home services over the AMC-23 satellite in accordance with SES Americom, Inc., Applications for Modification of Fixed-Satellite Service Space Station Licenses, *Order and Authorization*, 18 FCC Rcd 16589 (2003).
8. SES Americom shall prepare the necessary information, as may be required, for submission to the International Telecommunication Union ("ITU") to initiate and complete the advance publication, international coordination, due diligence, and notification process of this space station, in accordance with the ITU Radio Regulations. SES Americom shall be held responsible for all cost recovery fees associated with these ITU filings. We also note that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination and notification procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. *See* 47 C.F.R. § 25.111(b).
9. In order to ensure continuity of service at the 172° E.L. orbital location, SES Americom must begin providing service at the 172° E.L. orbital location before the satellite it is replacing discontinues service at the 172° E.L. orbital location.

10. The license term for the AMC-23 satellite, Call Sign S2610, is fifteen years and will begin to run on the date that SES Americom certifies to the Commission that the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization.
11. SES Americom must provide a written statement to the Commission within 60 days of the date of this grant that identifies any known satellites located at, or planned to be located at, SES Americom's assigned orbital location, or assigned in the vicinity of that location such that the station-keeping volume of the respective satellites might overlap, and that states the measures that will be taken to prevent in-orbit collisions with such satellites. This statement should address any licensed FCC systems, or any systems applied for and under consideration by the FCC. The statement need not address every filing with the ITU that meets these criteria, but should assess and address any systems reflected in ITU filings that are in operation or that SES Americom believes may be progressing toward launch, *e.g.*, by the appearance of the system on a launch vehicle manifest. If SES Americom elects to rely on coordination with other operators to prevent in-orbit collisions, it shall provide a statement as to the manner in which such coordination will be effected.
12. SES Americom is afforded thirty days from the date of adoption of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
13. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

9-16. Name of Contact Representative (If other than applicant)

| | | | |
|----------------|------------------------|---------------|----------------------|
| Name: | Karis A. Hastings | Phone Number: | 202-637-5767 |
| Company: | Hogan & Hartson L.L.P. | Fax Number: | 202-637-5910 |
| Street: | 555 13th Street, N.W. | E-Mail: | KAHastings@hhlaw.com |
| City: | Washington | State: | DC |
| Country: | USA | Zipcode: | 20004 -1109 |
| Contact Title: | | Relationship: | Legal Counsel |

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a.
(N/A) a1. Earth Station
 a2. Space Station

- b.
 b1. Application for License of New Station
(N/A) b2. Application for Registration of New Domestic Receive-Only Station
(N/A) b3. Amendment to a Pending Application
(N/A) b4. Modification of License or Registration
(N/A) b5. Assignment of License or Registration
(N/A) b6. Transfer of Control of License or Registration
(N/A) b7. Notification of Minor Modification
(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite

 b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
 b10. Replacement Satellite Application - no new frequency bands
 b11. Replacement Satellite Application - new frequency bands (Not eligible for streamlined processing)
 b12. Petition for Declaratory Ruling to be Added to the Permitted List
(N/A) b13. Other (Please specify)

| | | | |
|---|---|---|---|
| <p>17c. Is a fee submitted with this application?</p> <p><input checked="" type="radio"/> If Yes, complete and attach FCC Form 159.</p> <p>If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).</p> <p><input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee</p> <p><input type="radio"/> Other (please explain):</p> | | | |
| 17c. Fee Classification BNY – Space Station (Geostationary) | Number of Satellite: 1 | | |
| <p>18. If this filing is in reference to an existing station, enter:</p> <p>(a) Call sign of station: Not Applicable</p> | | | |
| <p>19. If this filing is an amendment to a pending application enter:</p> <table> <tr> <td>(a) Date pending application was filed: Not Applicable</td> <td>(b) File number of pending application: Not Applicable</td> </tr> </table> | | (a) Date pending application was filed: Not Applicable | (b) File number of pending application: Not Applicable |
| (a) Date pending application was filed: Not Applicable | (b) File number of pending application: Not Applicable | | |

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify)

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier Non-Common Carrier

22. If earth station applicant, check all that apply.
Not Applicable

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

- Connected to a Public Switched Network Not connected to a Public Switched Network N/A

24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz) b. Ku-Band (12/14 GHz)
- c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: Frequency Upper: (Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

(N/A) a. Fixed Earth Station
(N/A) b. Temporary-Fixed Earth Station
(N/A) c. 12/14 GHz VSAT Network
(N/A) d. Mobile Earth Station
 e. Geostationary Space Station. Number of Satellites: 1 (Note: Please fill in the number of satellites for GSO license applications ONLY. Otherwise, leave blank.)
 f. Non-Geostationary Space Station
 g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. Yes No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station

services are not required to respond to Items 30–34.

| | |
|--|---|
| 29. Is the applicant a foreign government or the representative of any foreign government? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A |
| 30. Is the applicant an alien or the representative of an alien? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A |
| 31. Is the applicant a corporation organized under the laws of any foreign government? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A |
| 32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A |
| 33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? | <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A |
| 34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote. | Att. A |

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes No

Waiver Req

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances

Yes No

39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.

Yes No

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer. Att. B

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes. Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43. Yes No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

SES AMERICOM, Inc. requests authority to launch and operate a replacement satellite for Satcom SN-4 at 172 deg. E.L., to be designated AMC-23.

Att. 1

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
Scott B. Tollefsen

46. Title of Person Signing
Sr. VP & Gen. Counsel

47. Please supply any need attachments.

1:

2:

3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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