

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

In the Matter of )  
 )  
Skynet Satellite Corporation ) Call Sign S2764  
 )  
Application for Authority to Launch ) File No. SAT-LOA-20080910-00174  
And Operate a 17/24 GHz )  
Broadcasting-Satellite Service )  
Space Station )

To: International Bureau

**REQUEST TO MODIFY EX PARTE STATUS TO  
PERMIT-BUT-DISCLOSE**

In the above-captioned application, Skynet Satellite Corporation (“Skynet”) has requested authority to launch and operate a 17/24 GHz band space station at full power and with full interference protection at 70° W.L. For the reasons stated herein, Skynet respectfully requests that the International Bureau modify the *ex parte* status of the above-captioned proceeding to “permit-but-disclose.”

After filing its application, Skynet learned that SES Americom, Inc. (“SES Americom”), less than a second before, had applied to operate at 67.5° W.L., which is only 2.5° from Skynet’s proposed orbital location. In subsequently-filed comments, SES Americom asked that the Commission hold Skynet’s application

in abeyance.<sup>1</sup> Skynet concurred, stating that holding the application in abeyance would give it an opportunity to determine how to meet the requirements of Section 25.262(b),<sup>2</sup> which governs orbital spacing in the 17/24 GHz band.<sup>3</sup>

At present, this proceeding is classified as “restricted” under the Commission’s *ex parte* rules.<sup>4</sup> Under the Commission’s rules, however, “the Commission and its staff retain the discretion to modify the applicable *ex parte* rules” in cases in which “the public interest so requires.”<sup>5</sup>

Skynet hereby requests that the International Bureau modify the *ex parte* status of the proceeding from “restricted” to “permit-but-disclose,” pursuant to Section 1.1200(a) of the Commission’s rules,<sup>6</sup> so that Skynet and other interested parties may communicate directly with Commission staff, subject to the disclosure rules for permit-but-disclose proceedings. There is ample precedent for reclassifying satellite application proceedings as permit-but-disclose.<sup>7</sup> In fact,

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<sup>1</sup> See Comments of SES Americom (Nov. 23, 2009)

<sup>2</sup> 47 C.F.R. § 25.262(b).

<sup>3</sup> See Reply Comments of Skynet (Dec. 8, 2009).

<sup>4</sup> See 47 C.F.R. § 1.1208.

<sup>5</sup> 47 C.F.R. § 1.1200(a).

<sup>6</sup> 47 C.F.R. § 1.1200(a).

<sup>7</sup> See, e.g., *In the Matter of New ICO Satellite Services G.P., Motion to Designate Proceeding as “Permit-but-Disclose,”* File No. SAT-MOD-20061109-00137, Grant Stamp of Motion to Designate Proceeding as “Permit-But-Disclose” (Nov. 16, 2006); Public Notice, “Satellite Communications Services,” Rep. No. SES-00590, March 25, 2004 (modifying *ex parte* status of DIRECTV Enterprises LLC blanket earth station application); Public Notice, Rep. No. SAT-00125 (Oct. 30, 2002) (modifying *ex parte* status for ICO and Lockheed Martin satellite application proceedings); Public Notice, “International Bureau Satellite Policy Branch Information: Echo Star Satellite Company Application for Authority to Make

the Bureau granted permit-but-disclose status to the initial set of 17/24 GHz band applications.<sup>8</sup> Grant of the instant request would harmonize the *ex parte* status of Skynet's application with the *ex parte* status of these other applications and would facilitate discussions with Commission staff concerning the merits of Skynet's request.

For the foregoing reasons, the International Bureau should modify the *ex parte* status of the above-captioned proceeding to permit-but-disclose. SES Americom's counsel has authorized the undersigned to state that SES Americom has no objection to modifying the *ex parte* status of this proceeding as requested herein.

Respectfully submitted,

/s/ Joseph A. Godles

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January 19, 2010

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Minor Modifications to Direct Broadcast Satellite Authorization, Launch and Operational Authority," Rep. No. SPB-159, DA 00-1630 (July 21, 2000).

<sup>8</sup> Public Notice, "Policy Branch Information," Report No. SAT-00451, DA 07-2652 (rel. June 15, 2007) (granting permit-but disclose status to 17/24 GHz applications filed by DIRECTV, EchoStar, INTELSAT, and Pegasus.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request to Modify Ex Parte Status to Permit-But-Disclose was sent via first class mail, postage prepaid, this 20th day of January, 2010, to each of the following:

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/s/  
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