

** Sec also
SAT-AMD-20100528-00114
SAT-AMD-20100723-00170
SAT-AMD-20110503-00084

Approved by OMB
3060-0678

File # SAT-LOA-20090807-00084
Call Sign S2795 Grant Date 08/30/11
(or other identifier) see Term Dates see conditions
From conditions To: conditions
Approved: Stephen J. Duall
Stephen J. Duall
Chief, Satellite Policy Branch



S2795 SAT-LOA-20090807-00084
Pegasus Development DBS Corporation
PEGASUS 95W
IB2009002942
Date & Time Filed: Aug 7 2009 2:00:00:750PM
File Number: SAT-LOA-20090807-00084
Callsign/Satellite ID: S2795

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS
FCC 312 MAIN FORM
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
BSS Application - 2

1-8. Legal Name of Applicant

Name:	Pegasus Development DBS Corporation	Phone Number:	610-934-7000
DBA Name:		Fax Number:	610-934-7072
Street:	225 City Line Avenue Suite 100	E-Mail:	
City:	Bala Cynwyd	State:	PA
Country:	USA	Zipcode:	19004
Attention:	Scott A Blank		

Attachment to Grant
IBFS File Nos. SAT-LOA-20090807-00084
SAT-AMD-20100528-00114
SAT-AMD-20100729-00170
SAT-AMD-20110503-00084
Call Sign: S2795
August 30, 2011

The request of 95 License Subsidiary, LLC (95 License Sub) for authority to construct, launch, and operate a 17/24 GHz Broadcasting-Satellite Service (BSS) space station at the 95.15° W.L. orbital location, which is offset 0.15° from the 95.0° W.L. location specified in Appendix F to the *17/24 GHz BSS Report and Order*, FCC 07-76, 22 FCC Rcd 8842 (rel. May 4, 2007), IS GRANTED.¹ Accordingly, 95 License Sub is authorized to operate a 17/24 GHz BSS space station at the 95.15° W.L. orbital location using the 17.3-17.8 GHz (space-to-Earth) and the 24.75-25.25 GHz (Earth-to-space) frequency bands, with the 17.7-17.8 GHz (space-to-Earth) frequency band limited to international service only, in accordance with the terms and conditions contained in its application, the Federal Communication Commission's (Commission's) rules and the conditions of this attachment.

1. 95 License Sub is authorized to operate its 17/24 GHz BSS space station at the 95.15° W.L. orbital location up to the maximum power flux density limits defined in Sections 25.208(c) and (w) of the Commission's rules, subject to the actual technical parameters in its application.
2. 95 License Sub must maintain its 17/24 GHz BSS space station with an east/west longitudinal station-keeping tolerance of ± 0.05 degrees of the assigned 95.15° W.L. orbital location.
3. 95 License Sub, when designing its system, is reminded to take into consideration the geographic service requirements of Section 25.225 of the Commission's rules. 47 C.F.R. § 25.225.
4. 95 License Sub's 17/24 GHz BSS space station at the 95.15° W.L. orbital location 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 (August 30, 2012);
 - b. Complete the Critical Design Review within two years (August 30, 2013);
 - c. Commence construction within three years (August 30, 2014);

¹ Initially, 95 Licensee requested authority to construct, launch, and operate a space station at the 95.0° W.L. orbital location. The application was placed on Public Notice as accepted for filing on October 2, 2009. Policy Branch Information, Satellite Space Applications Accepted for Filing, *Public Notice*, Report No. SAT-00636 (rel. Oct. 2, 2009). Comments were filed by Hughes Network Systems, LLC (Hughes) and SES Americom Inc. (SES) on November 2, 2009. No petitions to deny were filed. SES's comments request imposition of a standard international coordination condition, which is included in this grant as condition 6. Hughes' comments expressed concern about the possibility of physical coordination of 95 License Sub's space station with a Hughes space station that is authorized to operate at 95.0° W.L. Hughes' concern was resolved by 95 License Sub's amendment to offset its orbital location from 95.0° W.L. to 95.15° W.L. The amended application was placed on Public Notice as accepted for filing on May 20, 2011. One comment was filed by Hughes stating that it fully supports grant of the application at the modified orbital location. Comments of Hughes Network Systems, LLC, filed June 13, 2011. No other comments were filed. We note that 95 License Sub requested waiver of Section 25.116 of the Commission's rules, 47 C.F.R. § 25.116, to the extent necessary, to avoid a potential loss of position in the processing queue. We need not address the waiver request in order to grant this application because no other 17/24 GHz BSS applications were filed that might affect 95 Licensee's place in the Commission's processing queue. Accordingly, we dismiss the waiver request as moot.


- d. Launch and begin operations within five years (August 30, 2016); and
- e. 95 License Sub 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 (September 29, 2011).

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

- 5. This authorization and all conditions contained herein are subject to the outcome of the Commission's rulemaking in IB Docket No. 06-123 and any requirements subsequently adopted therein. Such additional requirements include, but are not limited to, those contained in FCC 11-93 (rel. June 14, 2011) upon the effective date(s) of the new rules.
- 6. 95 License Sub must prepare all necessary information that may be required for submission to the International Telecommunication Union (ITU) to initiate and complete the advance publication, international coordination, due diligence, and notification procedures for this space station, in accordance with the ITU Radio Regulations. 95 License Sub shall be held responsible for all cost recovery fees associated with these ITU filings. 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 with other Administrations. 47 C.F.R. § 25.111(b).
- 7. 95 License Sub must submit to the Commission the information required by No. 9.1 of the ITU Radio Regulations for advance publication of its 17/24 GHz BSS space station at the 95.15° W.L. orbital location no later than 60 days from the date of this action. 95 License Sub must submit to the Commission the information required by Section II of Article 9 of the ITU Radio Regulations for the request for coordination of its 17/24 GHz BSS space station at the 95.15° W.L. orbital location no later than 240 days from the date of this action. The information submitted in compliance with this condition must be submitted to the Commission via email to chip.fleming@fcc.gov and kathyrn.medley@fcc.gov.²
- 8. The license term for this 17/24 GHz BSS space station, Call Sign S2795, is 15 years and will begin to run on the date that 95 License Sub 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. 47 C.F.R. § 25.121(a). 95 License Sub must file this certification with the Chief, Satellite Division, International Bureau, within ten business days of the space station being put into operation.
- 9. On June 30 of each year, 95 License Sub must file a report with the International Bureau and the Commission's Columbia Operations Center in Columbia, Maryland, containing the information current as of May 31 of that year pursuant to Section 25.210(l) of the Commission's rules. 47 C.F.R. § 25.210(l).
- 10. 95 License Sub is afforded 30 days from the date of release of this grant to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

² File formats acceptable for emailing via the Commission's email system are Microsoft Office document formats (e.g., Microsoft Word and Microsoft Access documents), and Adobe Portable Document Format (pdf) documents. Zip files cannot be accepted. Attachments to an individual email message must not exceed 10 megabytes in total size.

11. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. 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 thirty days of the date of the public notice indicating that this action was taken.

 GRANTED* International Bureau *with conditions	File # <u>SAT-LOA-20090807-00084</u>
	Call Sign <u>S2795</u> Grant Date <u>08/30/11</u>
	(or other identifier) <u>See</u> Term Dates <u>See</u>
	From <u>conditions</u> To: <u>conditions</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch

** see also

SAT-AMD-20100528-00114

SAT-AMD-20100729-00170

SAT-AMD-20110503-00084

9-16. Name of Contact Representative

Name: Tony Lin Phone Number: 202-663-8452
 Company: Pillsbury Winthrop Shaw Pittman LLP Fax Number: 202-663-8007
 Street: 2300 N Street NW E-Mail: tony.lin@pillsburylaw.com
 City: Washington State: DC
 Country: USA Zipcode: 20037 -
 Attention: Relationship: Legal Counsel

CLASSIFICATION OF FILING

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

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

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: 17300 Frequency Upper: 17800 (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.
- 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.

<p>29. Is the applicant a foreign government or the representative of any foreign government?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>30. Is the applicant an alien or the representative of an alien?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A</p>
<p>31. Is the applicant a corporation organized under the laws of any foreign government?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A</p>
<p>32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned 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?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A</p>
<p>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 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?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A</p>
<p>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.</p>	

BASIC QUALIFICATIONS

<p>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.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>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.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>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.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>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</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>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.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>

<p>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.</p>	<p style="text-align: right;">Ownership</p>
<p>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.</p>	<p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p>
<p>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.</p>	<p style="text-align: right;">Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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?</p>	

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.)

See attached narrative.

Narrative

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

B

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

C

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

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 A. Blank

46. Title of Person Signing
Sr. Vice President, General Counsel and Secretary

47. Please supply any need attachments.

1: Frequency Bands

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).

Completed Schedule S

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