



Federal Communications Commission
Washington, DC 20554

International Bureau

July 27, 2009

Todd Stansbury, Esq.
Wiley, Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006

Re: Spectrum Five LLC, Call Sign: S2777,
IBFS File No. SAT-LOI-20081113-00216, 118.8° W.L. Orbit Location

Dear Mr. Stansbury:

This letter requests information concerning the above petition for declaratory ruling (PDR) filed by Spectrum Five LLC (Spectrum Five). Spectrum Five seeks access to the United States market using a satellite network authorized by the Netherlands and the Netherlands Antilles.

Under section 25.137(c) of the Commission's rules, a non-U.S. licensed GSO-like satellite system seeking to serve the United States can have its request placed in the Commission's processing queue and considered in the order filed, if (1) the system is in orbit and operating; (2) has a license from another administration; or (3) has been submitted for coordination to the ITU.¹

In its application, Spectrum Five states that the Netherlands and the Netherlands Antilles have granted Spectrum Five the right to use the "nominal 119.0° W.L. orbital location" and associated frequencies in the 17/24 GHz Broadcasting Satellite Service (BSS) through an agreement.² As explained by Spectrum Five, under the agreement, "the Netherlands will act as the sponsoring administration for notification, coordination, examination, and registration of Spectrum Five's networks to the ITU. The Netherlands Radio Communications Agency has made the ITU filings necessary to advance publish, coordinate and notify the frequencies to be used by the Spectrum Five network."³ Spectrum Five also notes that, "[U]nder the Agreement with the Netherlands and Netherlands Antilles, Spectrum Five is required to perform telemetry, tracking, and command (TT&C) operations from a control center in the Netherlands Antilles and that the Netherlands Antilles has agreed to provide all necessary licenses for Spectrum Five's TT&C operations."⁴ Finally, Spectrum Five also notes in its application that "the Netherlands recently enacted a Space Activities Act, with which Spectrum Five must comply, but Spectrum Five's rights in respect of

¹ 47 C.F.R. § 25.137(c).

² Spectrum Five Legal Narrative at 14 and 15 (*citing* Letter Agreement between the State of the Netherlands, the Government of the Netherlands Antilles, Spectrum Five LLC and Spectrum Five BV (effective as of August 7, 2007) (*Spectrum Five Agreement*)).

³ Spectrum Five Legal Narrative at 14 and 15.

⁴ *Id.*

the 118.8° W.L. orbital location derive from the Agreement.”⁵ The application, however, does not contain a copy of the Agreement.

To assist the Commission in processing Spectrum Five’s PDR, we request Spectrum Five to provide the following information and/or documentation:

1. A copy of the API or other coordination information filed by the Netherlands relating to the frequencies Spectrum Five proposes to use;
2. A copy of the agreement referenced by Spectrum Five in its application or confirmation from the Netherlands and the Netherlands Antilles concurring that Spectrum Five’s rights with respect of the 118.8° W.L. orbit location derive from the Agreement;
3. Confirmation from the Netherlands and the Netherlands Antilles regarding the entity or entities, as appropriate, that will be authorized to implement the satellite network; and
4. Confirmation that the 118.8° W.L. orbit location requested in the PDR is covered by the Agreement relating to the “nominal 119° W.L. orbit location.”

Spectrum Five’s response must be filed as an amendment to its pending PDR by Monday, October 26, 2009, with a courtesy copy to Andrea I. Kelly, Associate Division Chief, Satellite Division. If the information is not provided within this time period, the application may be dismissed pursuant to Sections 25.112(c) and 25.152(b) of the Commission’s rules.⁶ Please contact Ms. Kelly at (202) 418-7877 if you have any questions.

Sincerely,



Robert G. Nelson
Chief, Satellite Division
International Bureau

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⁵ *Id.*

⁶ 47 C.F.R. §§ 25.112(c) and 25.152(b). *Also see Amendment of the Commission’s Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, IB Docket No. 02-34, 18 FCC Rcd 10760 (2003), at ¶ 244.