

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

In the Matter of)	
)	
Loral Orion Services, Inc.)	File Nos. SAT-MOD-19991213-00120
)	SAT-MOD-19990819-00086
Application for Modification of)	
Space Station Authority)	

ORDER

Adopted: March 30, 2000 Released: March 31, 2000

By the Chief, Satellite and Radiocommunication Division, International Bureau:

I. INTRODUCTION

1. By this Order, we grant Loral Orion Services, Inc. (Loral) authority to operate its Telstar 12 satellite¹ at the 15° W.L. orbit location. We also grant Loral authority to operate Telstar 12 on additional frequency bands, and to make certain other technical modifications to the satellite. Reassigning Telstar 12 to 15° W.L. is the final step in implementing an international coordination agreement between Loral and EUTELSAT. Granting the proposed technical modifications will also enable Loral to provide better service to its customers.

II. BACKGROUND

2. In 1995, under the "separate system" framework in effect prior to *DISCO I*,² the International Bureau (Bureau) granted Loral conditional authority to construct, launch, and operate the Telstar 12 satellite at the 12.0° W.L. orbit location.³ This authority was conditioned upon demonstration of financial qualifications to launch and operate the satellite for one year, and

¹ Telstar 12 was formerly named Orion 2. Loral Request at 1 n.1. In 1995, this satellite was referred to as "Orion F3" and licensed to Orion Satellite Corp. Orion Satellite Corp., Order and Authorization, 10 FCC Rcd 12307 (Int'l Bur. 1995) (*Loral Conditional Authorization Order*). Orion later merged with Loral Space & Communication Ltd. See Loral Space & Communication Ltd. and Orion Network Systems, Inc. International Private Satellite Partners, L.P. (d/b/a Orion Atlantic, L.P., Application for the Transfer of Control of Various Space Station, Earth Station, and Section 214 Authorizations, Order and Authorizations, 13 FCC Rcd 4592 (Int'l Bur. 1998). For consistency, we refer to this company as "Loral" and this satellite as "Telstar 12" throughout this Order.

² Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems, Report and Order, CC Docket No. 95-41, 11 FCC Rcd 2429 (1996) (*DISCO I*).

³ Orion Satellite Corp., Order and Authorization, 10 FCC Rcd 12307 (Int'l Bur. 1995) (*Loral Conditional Authorization Order*).

upon completion of consultations with INTELSAT.⁴ On August 13, 1999, Loral filed a request for final authority for Telstar 12, asserting that it had met those two conditions.⁵ On August 19, 1999, Loral sought authority to add the 13.75-14.0 GHz and 10.95-11.2 GHz frequency bands to Telstar 12, for European and South African operations.⁶ Loral also requested authorization to make certain technical modifications to Telstar 12 on August 19, 1999.⁷

3. Loral requested Special Temporary Authority (STA) on September 9, 1999, to launch this satellite and to conduct in-orbit tests at the 15° W.L. orbit location, while Loral and EUTELSAT continued coordination discussions with respect to a EUTELSAT satellite at the 12.5° W.L. orbit location. We granted Loral's August STA request on October 4, 1999,⁸ and we granted final authority to launch and test Telstar 12 at the 15° orbit location on October 18, 1999.⁹ On December 10, 1999, we granted Loral an STA to operate Telstar 12 at 15° W.L. for 180 days.¹⁰ Loral now requests regular authorization to operate Telstar 12 at 15° W.L., consistent with the technical modification application filed on August 19, 1999. Both of Loral's applications are unopposed.

III. DISCUSSION

4. We address Loral's orbit location reassignment application first. Loral states that reassignment of its orbit location is necessary to enable it and EUTELSAT to resolve their coordination issues.¹¹ Loral also notes that the Commission has reassigned orbit locations in the past when doing so helps to resolve coordination issues.¹² For example, in the *GE 81° Order*, we

⁴ *Loral Conditional Authorization Order*, 10 FCC Rcd at 12307-08 (para. 6).

⁵ Letter from Laurence D. Atlas, Vice President, Government Relations, Loral, to Magalie Roman Salas, Secretary, FCC, August 13, 1999 (*August 13 Letter*).

⁶ Loral August 19 Application at 2.

⁷ Specifically, Loral seeks to (1) add extended Ku-band frequencies for European and South African operations; (2) redefine certain spot beam coverage areas; (3) use state-of-the-art traveling wave tube amplifiers; (4) modify the transponder configuration and standardize channelization; (5) change the location of the satellite control operations; and (6) make other minor technical modifications. See Loral August 19 Application; Loral December 10 Application at 1 n.2.

⁸ Letter from Cassandra C. Thomas, Deputy Chief, Satellite and Radiocommunication Division, International Bureau, to Jennifer D. McCarthy, Counsel for Loral, Oct. 4, 1999 (*October 4 Special Temporary Authority*). Subsequently, we denied EUTELSAT's petition to stay the Special Temporary Authority. Loral Orion Services, Inc., Petition for Stay Filed by EUTELSAT, Order, DA 99-2221 (Int'l Bur., released Oct. 18, 1999).

⁹ Loral Orion Services, Inc., Request for Final Authorization to launch and operate the Orion F2 Satellite at 12 Degrees, W.L., Order and Authorization, DA 99-2222 (Int'l Bur., released Oct. 18, 1999).

¹⁰ Letter from Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, International Bureau, to John P. Stern, Associate General Counsel, Loral (Dec. 10, 1999).

¹¹ Loral December 13 Application at 2-3.

¹² Loral December 13 Application at 3, *citing* Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, Memorandum Opinion and Order, 13 FCC Rcd 13863, 13865 (paras. 3-5) (Int'l Bur. 1998) (*GE 81° Order*); Assignment of Orbital Locations to Space Stations in

reassigned GE Americom's GE-3 satellite to 81° W.L., to expedite resolution of a coordination dispute with the *Simón Bolívar* Andean Satellite System.¹³ Later, in the *GE 72° Order*, we reassigned the GE-3 satellite to 72° W.L. to expedite resolution of a coordination dispute with Argentina.¹⁴ Facilitating resolution of such international coordination disputes enables licensees to bring their satellites into service more quickly. Consequently, if the agreement does not adversely affect other satellite operators and is otherwise in the public interest, we will take whatever action is necessary to facilitate its implementation. Loral's operations at 15° W.L. should not impact existing operations of any other satellite networks. Further, as with all U.S.-licensed satellites, operations on Telstar 12 must be coordinated in accordance with the International Telecommunication Union (ITU) Radio Regulations with all affected administrations. By authorizing Loral to operate Telstar 12 at 15° W.L. rather than 12° W.L., we take the final step in allowing Loral and EUTELSAT to implement the agreement resolving their international coordination dispute.¹⁵

5. Next, we consider Loral's request to communicate in the 13.75-14.0 GHz frequency band. The 13.75-14.0 GHz band has been allocated domestically and internationally to the fixed-satellite service (FSS) subject to certain restrictions. In particular, footnotes S5.502, S5.503 and S5.503A to the International Telecommunication Union (ITU) Radio Regulations place certain restrictions on FSS operations.¹⁶ Domestically, footnote US337 to 47 C.F.R. § 2.106 requires that earth stations operating in the 13.75-13.8 GHz band be coordinated through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee's Frequency Assignment Subcommittee to minimize interference to the forward space-to-space link of the National Aeronautics and Space Administration's Tracking and Data Relay Satellite System.¹⁷ In this regard, we have received a letter from the NTIA¹⁸ requesting

the Domestic Fixed-Satellite Service, Memorandum Opinion and Order, 13 FCC Rcd 23684, 23686 (para. 4) (Int'l Bur. 1998) (*GE 72° Order*).

¹³ *GE 81° Order*, 13 FCC Rcd at 13865 (para. 5).

¹⁴ *GE 72° Order*, 13 FCC Rcd at 23686 (para. 4).

¹⁵ We have already granted several U.S. earth stations authority to provide service in the United States using the EUTELSAT II-F2 satellite at 12.5° W.L. *See, e.g.*, Applications of BT North America Inc., CBS Broadcasting, Inc., Order, DA 00-162 (Int'l. Bur., released Feb. 1, 2000).

¹⁶ In particular, footnote S5.502 to the international Radio Regulations places certain restrictions on the minimum effective isotropically radiated power (e.i.r.p.) and minimum antenna size for earth stations operating in this band. Footnote S5.503 limits FSS earth station e.i.r.p. spectral density in the 13.772-13.778 GHz band until those geostationary space stations in the space research service for which advance publication information was received by the ITU prior to 31 January 1992 cease to operate in this band. Footnote S5.503A states that: "Until 1 January 2000, stations in the fixed-satellite service shall not cause harmful interference to non-geostationary space stations in the space research and Earth exploration-satellite services. After that date, these non-geostationary space stations will operate on a secondary basis in relation to the fixed-satellite service. Additionally, when planning earth stations in the fixed-satellite service to be brought into service between 1 January 2000 and 1 January 2001, in order to accommodate the needs of spaceborne precipitation radars in the band 13.793-13.805 GHz, advantage should be taken of the consultation process and the information given in Recommendation ITU-R SA.1071."

¹⁷ 47 C.F.R. § 2.106 footnote US337 specifically states the following: "In the band 13.75-13.80 GHz, earth stations in the fixed-satellite service shall be coordinated on a case-by-case basis through the frequency assignment subcommittee in order to minimize harmful interference to the Tracking and Data Satellite System's forward space-to-space link (TDRSS forward link-to-LEO)."

that we identify these requirements in any grant of authority to operate a satellite in the 13.75-14.0 GHz band. Taking these considerations into account, we require that the operations of the Telstar 12 satellite in the 13.75-14.0 GHz band be consistent with these various international and domestic regulatory footnotes.

6. Loral also requests authority to add the downlink frequency band of 10.95-11.20 GHz to Telstar 12. The use of this frequency band by the Fixed-Satellite Service in the United States is limited to international service under footnote NG104 to the United States Table of Frequency Allocations in Section 2.106 of the Commission's rules.¹⁹ Accordingly, Loral may provide international service only and is not authorized to provide domestic service within the United States in this band.

7. Finally, we conclude that Loral's remaining technical modification requests are consistent with Part 25 of the Commission's rules. Accordingly, we grant Loral authority to make these modifications.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that the Application for Modification, Filed No. SAT-MOD-19991213-00120, filed by Loral Orion Services, Inc. on December 13, 1999 IS GRANTED, subject to the conditions set forth in this Order.

9. Accordingly, IT IS ORDERED that the Application for Modification, Filed No. SAT-MOD-19990819-00086, filed by Loral Orion Services, Inc. on August 19, 1999 IS GRANTED, subject to the conditions set forth in this Order.

10. IT IS FURTHER ORDERED that the operation of the Telstar 12 satellite in the 13.75-14.00 GHz band shall be in accordance with footnotes S5.502, S5.503, and S5.503A to the ITU Radio Regulations.

11. IT IS FURTHER ORDERED that, pursuant to footnote US337 to 47 C.F.R. § 2.106, Loral Orion Services, Inc. is required to coordinate the operation of the Telstar 12 satellite network in the 13.75-13.80 GHz band through NTIA's Interdepartment Radio Advisory Committee's Frequency Assignment Subcommittee to minimize interference to the forward space-to-space link of the National Aeronautics and Space Administration's Tracking and Data Relay Satellite System.

12. IT IS FURTHER ORDERED that transmissions to and from the Telstar 12 satellite in the 10.95-11.20 GHz frequency band is limited to the provision of Fixed-Satellite Service between the United States and international points.

13. IT IS FURTHER ORDERED that Loral Orion Services, Inc. is obliged to comply with the applicable laws, regulations, rules, and licensing procedures in those countries it proposes to serve.

¹⁸ See Letter from William Hatch, Acting Associate Administrator, Office of Spectrum Management, NTIA, to Roderick Porter, Acting Chief, International Bureau, FCC (May 11, 1999).

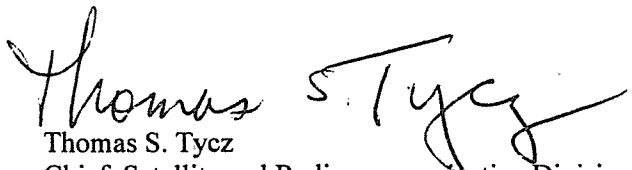
¹⁹ 47 C.F.R. § 2.106.

14. IT IS FURTHER ORDERED that operations over the Telstar 12 satellite at the 15° W.L. orbit location SHALL BE in compliance with the satellite coordination agreements reached between Loral Orion Services, Inc. and the European Telecommunications Satellite Organization (EUTELSAT).

15. IT IS FURTHER ORDERED that Loral Orion Services, Inc. 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, and notification process of this space station in accordance with the ITU Radio Regulations. We also remind all licensees that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination 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, 47 C.F.R. § 25.111(b).

16. This Order 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 release. 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 release of this Order. (See 47 C.F.R. § 1.4(b)(2).)

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