

WILLKIE FARR & GALLAGHER

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Washington, DC 20005-1000
Tel: 202 331-8000
Fax: 202 331-8070

202 328 5000

Fax: 202 331 8070

December 13, 1999

CSS91009 SAT-MOD-19991213-00120
LORAL ORION SERVICES, INC.
Telstar 12

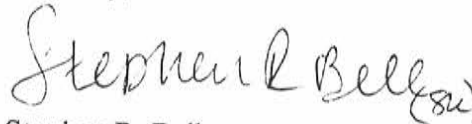
Federal Communications Commission
International Bureau, Satellites
P.O. Box 358210
Pittsburgh, PA 15251-5210

Re: Telstar 12 Application for Modification

Dear Sir or Madam:

Enclosed for filing on behalf of Loral Orion Services, Inc. ("LOSI") is an original and nine (9) copies of an application on FCC Form 312 for modification of LOSI's Telstar 12 (formerly Orion 2) authorization to operate at 15° W.L. on a permanent basis in lieu of its authorized orbital location of 12° W.L. Also included is a completed Form 159 and a check for the applicable filing fee. Please date-stamp and return a copy of the enclosed filing in the envelope provided. Any inquiries related to this request should be directed to the undersigned.

Sincerely,



Stephen R. Bell

Counsel for LOSI

Enclosures

cc: Tom Tycz
Fern Jarmulnek
Cassandra Thomas
John Martin
Karl Kensinger
Linda Haller

Steve Spaeth
Kathleen Campbell
Ronald Repasi
Alexander Roytblat

Washington, DC
New York
Paris
London

FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR SATELLITE SPACE AND EARTH STATION AUTHORIZATIONS

Approved by OMB
3060-0678
Est. Ave. Burden Hours
Per Response: 11 Hrs

FCC Use Only
File Number:
Call Sign:
Fee Number:

APPLICANT INFORMATION

1. Legal Name of Applicant Loral Orion Services, Inc.		2. Voice Telephone Number 703-414-1060	
3. Other Name Used for Doing Business (if any)		4. Fax Telephone Number 703-414-1079	
5. Mailing Street Address or P.O. Box 1755 Jefferson Davis Highway, Suite 1007		6. City Arlington	8. Zip Code 22202-3509
ATTENTION: John P. Stern		7. State / Country (if not U.S.A.) VA	
9. Name of Contact Representative (if other than applicant) Stephen R. Bell & Jennifer D. McCarthy		10. Voice Telephone Number 202-328-8000	
11. Firm or Company Name Willkie Farr & Gallagher		12. Fax Telephone Number 202-887-8979	
13. Mailing Street Address or P.O. Box 1155 21st Street, N.W., Suite 600		14. City Washington	16. Zip Code 20036
ATTENTION:		15. State / Country (if not U.S.A.) D.C.	

CLASSIFICATION OF FILING

17. Place an "X" in the box next to the classification that applies to this filing for both questions a. and b. Mark only one box for 17a and only one box for 17b.

<input type="checkbox"/> a1. Earth Station	<input type="checkbox"/> b1. Application for License of New Station	<input type="checkbox"/> b6. Transfer of Control of License or Registration
<input type="checkbox"/> a2. Space Station	<input type="checkbox"/> b2. Application for Registration of New Domestic Receive-Only Station	<input type="checkbox"/> b7. Notification of Minor Modification
<input checked="" type="checkbox"/> a2. Space Station	<input type="checkbox"/> b3. Amendment to a Pending Application	<input type="checkbox"/> b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
	<input checked="" type="checkbox"/> b4. Modification of License or Registration	<input type="checkbox"/> b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
	<input type="checkbox"/> b5. Assignment of License or Registration	<input type="checkbox"/> b10. Other (Please Specify):

18. If this filing is in reference to an existing station, enter:
Call sign of station: _____

19. If this filing is an amendment to a pending application enter:
(a) Date pending application was filed: _____
(b) File number of pending application: _____

Telstar 12 (formerly Orion 2)

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Place an "X" in the box(es) next to all that apply.

a. Fixed Satellite c. Radiodetermination Satellite e. Direct to Home Fixed Satellite

b. Mobile Satellite d. Earth Exploration Satellite f. Digital Audio Radio Service g. Other (please specify) _____

21. STATUS: Place an "X" in the box next to the applicable status. Mark only one box.

a. Common Carrier b. Non-Common Carrier c. Using U.S. licensed satellites d. Using Non-U.S. licensed satellites

a. Connected to the Public Switched Network b. Not connected to the Public Switched Network **N/A**

22. If earth station applicant, place an "X" in the box(es) next to all that apply.

a. Using U.S. licensed satellites b. Using Non-U.S. licensed satellites **N/A**

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

a. C-Band (4/6 GHz) b. Ku-Band (12/14 GHz) c. Other (Please specify) _____

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) _____

TYPE OF STATION

25. CLASS OF STATION: Place an "X" in the box next to the class of station that applies. Mark only one box.

a. Fixed Earth Station b. Temporary-Fixed Earth Station c. 12/14 GHz VSAT Network d. Mobile Earth Station e. Space Station f. Other (Specify) _____

If space station applicant, go to Question 27.

26. TYPE OF EARTH STATION FACILITY: Mark only one box.

a. Transmit/Receive b. Transmit-Only c. Receive-Only **N/A**

PURPOSE OF MODIFICATION OR AMENDMENT

27. The purpose of this proposed modification or amendment is to: Place an "X" in the box(es) next to all that apply.

<input type="checkbox"/>	a -- authorization to add new emission designator and related service
<input type="checkbox"/>	b -- authorization to change emission designator and related service
<input type="checkbox"/>	c -- authorization to increase EIRP and EIRP density
<input type="checkbox"/>	d -- authorization to replace antenna
<input type="checkbox"/>	e -- authorization to add antenna
<input type="checkbox"/>	f -- authorization to relocate fixed station
<input type="checkbox"/>	g -- authorization to change assigned frequency(ies)
<input type="checkbox"/>	h -- authorization to add Points of Communication (satellites & countries)
<input type="checkbox"/>	i -- authorization to change Points of Communication (satellites & countries)
<input type="checkbox"/>	j -- authorization for facilities for which environmental assessment and radiation hazard reporting is required
<input checked="" type="checkbox"/>	k -- Other (Please Specify) _____

Please see attached narrative

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? YES NO

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 as an exhibit for new transmitting facilities, major modifications, or major amendments. Refer to OFT Bulletin 65.

ALIEN OWNERSHIP

- 29. Is the applicant a foreign government or the representative of any foreign government? YES NO
- 30. Is the applicant an alien or the representative of an alien? YES NO
- 31. Is the applicant a corporation organized under the laws of any foreign government? YES NO
- 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? YES NO
- 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? YES NO
- 34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit, the identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

BASIC QUALIFICATIONS

- 35. Does the applicant request any waivers or exemptions from any of the Commission's Rules? YES NO
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.
- 36. Has the applicant or any party to this application 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 the circumstances. YES NO
- 37. Has the applicant, or any party to this application, 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 the 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 the 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, addresses, and citizenship of those stockholders owning of 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. YES NO
- 41. By checking Yes, the undersigned certifies, that neither the 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? YES NO
If yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. § 25.137, as appropriate. YES NO
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? YES NO

4.3. Description. (Summarize the nature of the application and the services to be provided).

Modification of authorization to reassign satellite from 120° W.L. to 150° W.L. and to permit commercial operations at 150° W.L.

Exhibit No.	Identify all exhibits that are attached to this application.
A	Response to question 34

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): (Place an "X" in the box next to applicable response.)

- a. Individual
- b. Unincorporated Association
- c. Partnership
- d. Corporation
- e. Governmental Entity
- f. Other (Please specify) _____

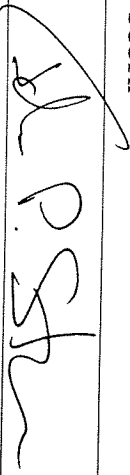
45. Typed Name of Person Signing

John P. Stern

46. Title of Person Signing

Associate General Counsel
Loral Space & Communications Ltd.

47. Signature



48. Date

12/10/99

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).

Loral Orion Services, Inc. ("LOSI"), a U.S. corporation, is owned and controlled through a series of intermediary entities by Loral Space & Communications Ltd. ("Loral"), a Bermuda company which is publicly traded on the New York Stock Exchange (NYSE:LOR). Loral's home market is the United States. See In re Application of AT&T Corp. and Loral SpaceCom Corporation, Order and Authorization, 12 FCC Rcd. 925 at ¶ 9 (Int. Bur. 1997).

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)
)
Loral Orion Services, Inc.)
) File No. _____
Application for Modification of)
Space Station Authorization)

APPLICATION FOR MODIFICATION OF AUTHORIZATION

Loral Orion Services Inc. ("LOSI") seeks modification of its authority to construct, launch and operate the Telstar 12 satellite at 12° W.L.¹ Specifically, LOSI requests that the Commission reassign LOSI's authorization from 12° W.L. to 15° W.L. and permit LOSI to operate its Telstar 12 satellite from the 15° W.L. orbital location on a permanent basis. LOSI also requests authority to operate the Telstar 12 satellite consistent with the technical modification application filed on August 19, 1999.²

¹ In re Application of Orion Satellite Corp. for Authority to Construct, Launch and Operate a Separate International Satellite Communications System, Order and Authorization, 10 FCC Rcd. 12307 (1995). Orion 2 was recently renamed Telstar 12.

² See SAT-MOD-19990819-00086. This modification application sought to (1) redefine certain spot beam coverage areas; (2) add extended Ku-band frequencies for European and South African operations; (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 various other minor technical modifications. This request was placed on public notice on September 13, 1999 (Report No. SAT-00025) and is unopposed.

I. DISCUSSION.

LOSI was conditionally authorized to launch and operate a satellite at the 12° W.L. orbital location in 1995.³ In 1994, the Commission filed a request for coordination of this slot at the ITU. However, in a subsequent decision, the ITU erroneously changed the date on which it deemed to have received the U.S. request for coordination for the 12° W.L. slot. This decision placed the U.S. filing behind the Eutelsat request for coordination at 12.5° W.L. The Eutelsat filing is for a satellite at 12.5° W.L. with similar frequency and coverage patterns to those of Telstar 12. Because Eutelsat is operating a satellite just one half degree away from the Commission's authorized Telstar 12 slot, LOSI cannot conduct commercial operations at 12° W.L. without causing interference to and receiving interference from the Eutelsat satellite.

Eutelsat, LOSI and the Commission conducted extensive coordination discussions to resolve these coordination concerns. In the interim, Telstar 12 was launched to the 15° W.L. orbital position on October 19, 1999 and was authorized to stay at this location and conduct in-orbit testing ("IOT") of the satellite.⁴

Eutelsat and LOSI have now resolved their coordination issues. LOSI and Eutelsat have reached an agreement that will permit Eutelsat and LOSI to operate their satellites compatibly in the same orbital neighborhood.⁵ Pursuant to that agreement, LOSI requests authority to operate

³ The conditions of this authorization have been satisfied. In re Request of Lorai Orion Services, Inc. for Final Authorization to Launch and Operate the Orion F2 Satellite at 12 Degrees W.L., Order and Authorization, DA 99-222 (rel. Oct. 18, 1999) ("Orion 2 Final Authority Order").

⁴ See Letter from Cassandra C. Thomas, Deputy Chief, Satellite and Radiocommunication Division, to Jennifer D. McCarthy, Esquire (October 4, 1999); See also Orion 2 Final Authority Order.

⁵ The Commission has "always encouraged parties to resolve conflicts among themselves because they are in the best position to balance the trade-offs involved in reaching a

Telstar 12 at 15° W.L. in lieu of the 12° W.L. orbital location assigned to it. Eutelsat will continue to operate at 12.5° W.L.

This modification does not present any operational coordination concerns that cannot be addressed in the course of the normal inter-system coordination process. LOSI will conduct its commercial operations at 15° W.L. without causing unacceptable interference to neighboring operators. LOSI has completed IOT of Telstar 12 at 15° W.L., following coordination of its testing at full power on all transponders with neighboring operators, and has commenced commercial service there pursuant to special temporary authority ("STA").⁶ LOSI will coordinate its commercial operations with all affected operators.

The 15° W.L. orbital slot is the most suitable alternative to Telstar 12's authorized slot in which to conduct commercial operations. It is the vacant slot closest to 12° W.L. The proximity to Telstar 12's authorized slot will provide LOSI's customers with essentially the same coverage area as they would have had from 12° W.L. Since Telstar 12 is already located at 15° W.L., grant of this modification application will also promote the public interest by preventing unnecessary delay in the provision of new satellite services to consumers.

Grant of LOSI's request is also consistent with Commission precedent. The Commission has previously granted reassignment requests that permit it to resolve coordination issues.⁷

compromise." In re Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service and the Application of GE American Communications, Inc., Memorandum Opinion and Order, 13 FCC Rcd. 23684 at ¶ 4 (1998)

⁶ See Letter from Thomas S. Tycz to John P. Stern (File No. SAT-STA-19991202-00115) (Dec. 10, 1999).

⁷ See In re Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, Memorandum Opinion and Order, 13 FCC Rcd. 13863 (1998) (reassigning GE Americom to another orbital location to resolve coordination issues that had arisen with respect to the Simon Bolivar Andean satellite system); In re Assignment of Orbital

LOSI's permanent reassignment to this location will facilitate and support the resolution of the coordination issues between Loral and Eutelsat. The agreement between Eutelsat and LOSI and the reassignment of Telstar 12 will facilitate transatlantic service for both satellites and promote competition in the satellite services market.

II. CONCLUSION.

For the reasons discussed above, grant of this application for modification is in the public interest. LOSI requests that the Commission expeditiously grant this request for a permanent reassignment of Telstar 12 to 15° W.L. and permanent authority to conduct commercial operations at that location, consistent with the technical parameters of LOSI's previously filed technical modification application.

Locations to Space Stations in the Domestic Fixed-Satellite Service and the Application of GE American Communications, Inc., Memorandum Opinion and Order, 13 FCC Rcd. 23684 (1998) (reassigning GE Americom to another orbital location to resolve coordination issues that had arisen with respect to the Government of Argentina).