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October 24, 2001

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554



File # SAT-MDD-20011024-00097
Call Sign 52367 Grant Date 12/6/2001
(or other identifier)
From _____ Term Date _____
To _____
Approved: Thomas Tycz

Re: AfriSpace, Inc. Request For Minor Modification FCC File No. CSS-90-017

Dear Ms. Salas:

Transmitted herewith on behalf of AfriSpace, Inc. ("AfriSpace") are an original and nine copies of an application for a Request For Minor Modification of AfriSpace's space station authorization. Related Forms 159 and 312 and a check in the amount of \$6,670.00 for the required filing fee for this application is also enclosed.

Should you have any questions regarding this application, please contact me.

Best regards,

Matthew J. Vitale

Enclosures

cc: Tom Tycz, Chief, International Bureau, FCC
Cassandra Thomas, Deputy Chief, International Bureau, FCC
Fern Jarmulnek, Special Advisor, International Bureau, FCC
Rosalee Chiara, Special Advisor, International Bureau, FCC

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

In the Matter of)	
)	
AfriSpace, Inc.)	File Nos. CSS-90-017
)	SAT-LOA-19900723-00002
For Authority to Construct, Launch)	SAT-AMD-19990125-00016
and Operate a Subregional Africa)	
and Middle Eastern Satellite Sound)	
Broadcasting Transmission System)	

REQUEST FOR MINOR MODIFICATION

AfriSpace, Inc. ("AfriSpace") hereby seeks a minor modification of its license granted on December 17, 1999 to launch and operate the AfriStar satellite system ("AfriStar") in the geostationary-satellite orbit in order to provide Broadcasting-Satellite Service (Sound) ("BSS (Sound)") on a non-common carrier basis to Africa and the Middle East in the 1452-1492 MHz frequency band.¹ The proposed modification would only result in certain minor operational changes to AfriSpace's Regional Operating Center ("ROC") located in Washington, D.C. ("DC ROC"). Specifically, AfriSpace would transfer certain functions in the DC ROC to its affiliate's ROC in Melbourne, Australia ("Melbourne ROC").

Approval by the Federal Communications Commission ("FCC" or "Commission") of this proposed modification will serve the public interest because it will not change any of the characteristics of AfriStar, but will allow AfriSpace to significantly

¹ See *In Re Application of AfriSpace, Inc. For Authority to Construct, Launch, and Operate a Subregional Africa and Middle Eastern Satellite Sound Broadcasting System*, Order and Authorization, File No. CSS-90-017; IBFS File Nos. SAT-LOA-19900723-00002; SAT-AMD-19990125-00016 (1999). DA 09-2849

reduce DC ROC operating expenses. The proposed modification is consistent with Commission policies and will not alter or weaken U.S.-based control of AfriStar, including the ability to issue commands without third-party intervention.

I. Description of Modification

On December 17, 1999, the FCC granted AfriSpace permanent authority to operate AfriStar at 21° E.L. to provide BSS (Sound) on a non-common carrier basis. In that *Order and Authorization*, the Commission specifically authorized AfriSpace to provide service to Africa and the Middle East, the primary service areas for the satellite.² Currently, AfriSpace provides its services through indirect agreements with numerous global and regional audio broadcasters that lease capacity on AfriStar.³

Operation of AfriStar is currently monitored and controlled by the DC ROC. The DC ROC consists of two operational components: (1) mission control operations and (2) satellite platform operations. The DC ROC, in turn, controls two Telemetry, Control and Ranging (“TCR”) stations in Bangalore, India and Port Luis, Mauritius and one In-Orbit Testing/Communications Systems Monitoring (“IOT/CSM”) facility located in Libreville, Gabon. All of these stations are connected by dedicated lines to the DC ROC. The Melbourne ROC acts as a back-up to the DC ROC and is also connected to AfriStar TCR stations by dedicated lines. The network of dedicated lines contains two redundant paths supporting an IP-based packet communications system to ensure unbroken

² *Id.* at para. 1.

³ Under its Channel Service Agreement with its affiliate, WorldSpace International Network Inc. (“WIN”), WIN has the right to commercialize substantially all of the transponder capacity of AfriStar.

connections between the DC ROC, the two TCR stations and the Melbourne ROC (See Attachment 1).

AfriSpace seeks authority from the Commission to reorganize its DC ROC so that satellite control functions, which may be characterized as platform control functions, are transferred to an identical ROC in Melbourne, Australia. The Melbourne ROC is owned and operated by AsiaSpace, an affiliate of AfriSpace.⁴ The DC ROC will retain its mission control operations, which oversee and manage the communications payload of the satellite, and will continue to interface with broadcasters. The DC ROC will also have the ability to operate as a “hot back up” for AfriStar and AsiaStar satellite operations in case of the unavailability of the Melbourne ROC.

It is important to note that the Melbourne ROC’s performance of these satellite functions will be governed by an arm’s length contractual agreement executed between AfriSpace and AsiaSpace. This contractual agreement will expressly stipulate that AsiaSpace’s performance of its responsibilities with respect to AfriStar is subject to the direction and oversight of AfriSpace.

II. Discussion

The proposed modification of the AfriStar license does not significantly deviate from the factual scenario set forth in AfriSpace’s application⁵ and restated in the Commission’s original *Order and Authorization* granting AfriSpace its space station

⁴ Both companies are under the common control of WorldSpace, Inc. (“WorldSpace”).

⁵ Amendment to Application of AfriSpace, Inc. for Authority to Launch and Operate a Satellite Sound Broadcasting Transmission System, File No. CSS-90-17; Amendment File No. SAT-AMD-19990125-00016 (filed January 22, 1999).

authorization.⁶ Despite the transfer of satellite control functions to the Melbourne ROC under the proposed modification of the AfriStar license, overall mission control for AfriStar, including payload operations, will remain under the sole control of the DC ROC. In addition, the DC ROC will continue to control and facilitate the delivery and quality of the signals uplinked from earth stations in the service area and their routing through the onboard communications payload to their appropriate downlink carriers. Further, the DC ROC will continue to control the payload of AfriStar via dedicated lines to the remote TCR stations in India and Mauritius and to the Melbourne ROC. The DC ROC also will continue to maintain direct interface with all customers and will issue payload commands without intervention from third parties. This command ability will ensure that any necessary corrective actions will be taken at AfriSpace's direction to remedy possible interference events or to remove unacceptable content. Finally, the DC ROC will control, monitor, update and maintain its hardware and software so that it can continue to serve as the back-up facility for the Melbourne ROC.⁷

In terms of corporate ownership and control, all officers of AfriSpace and WorldSpace will continue to reside in the United States and the Board of Directors of both entities will continue to consist of U.S. citizens. Overall ownership, including foreign ownership, will not change as a result of this minor operational modification.

⁶ *Id.* at para. 5.

⁷ Because the DC ROC will function as a back-up facility for the Melbourne ROC, the two ROCs will have the same satellite operations equipment. The ROCs are also connected by dedicated lines to each other and to the associated TCR stations in Bangalore and Mauritius.

III. Conclusion

In order to grant a request for minor modification of a space station authorization, the Commission must find that the public interest, convenience, and necessity will be served by such a grant.⁸ The Commission has allowed licensees to modify their satellite systems when the proposed modification does not present any increased or significant interference problems and is otherwise consistent with Commission policies.⁹

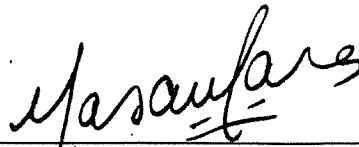
Grant of this modification will serve the public interest because it will not change any of the characteristics of AfriStar and will not alter the U.S.-based control of AfriStar, while allowing AfriSpace to significantly decrease its operating expenses.

Therefore, we request expedited Commission approval of AfriSpace's request for minor modification of its space station authorization.

⁸ See 47 U.S.C. § 309(a). See also *In the Matter of Teledesic LLC for Minor Modification of License to Construct, Launch and Operate a Non-Geostationary Fixed Satellite Service System*, Order and Authorization 14 FCC Rcd 2261 (1999) (“*Teledesic Order*”).

⁹ See *In the Matter of Sirius Satellite Radio Inc., for Minor Modification of License, Order and Authorization*, 16 FCC Rcd 5419 (2001). See also *Teledesic Order*, 14 FCC Rcd at 2264, para. 5; *In the Matter of GTE Spacenet Corp.*, Order 5 FCC Rcd 4112, 4112 (GTE was allowed to increase power on its transponder); *American Satellite Company*, 5 FCC Rcd 1186 (1990) (American Satellite Company was allowed to increase power level on two of its transponders); and *Hughes Communications Galaxy Inc.*, 5 FCC Rcd 1653 (1990) (Hughes was permitted to increase power of two satellites.)

Respectfully submitted,



Noah K. Samara
Chairman
AfriSpace, Inc.

October 24, 2001

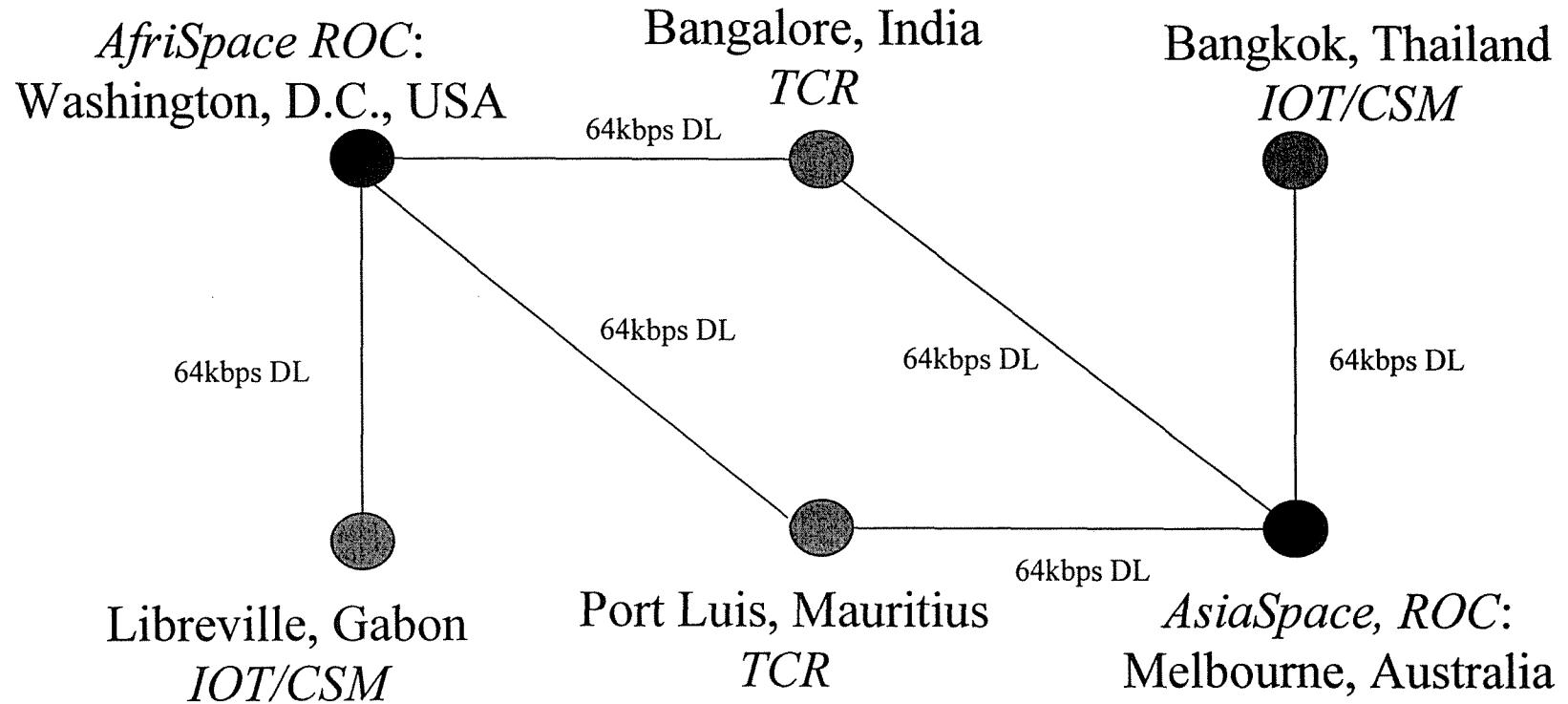
Its Attorneys:

Janet Hernandez
Matthew Vitale
Timothy J. Logue
Space & Telecommunications
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Washington, D.C. 20006

(202) 775-5100

Attachment 1

Dedicated Line Network Topology



ROC =Regional Operating Center

DL = Dedicated line supporting IP-based packet network

TCR = Telemetry, Control and Ranging Station

IOT/CSM = In-Orbit Testing/Communications Systems Monitoring

FCC 312
Main Form

FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR SATELLITE SPACE AND EARTH STATION AUTHORIZATIONS

Approved by OMB
3060-0678

Est. Avg. Burden Hours
Per Response: 11 Hrs.

FCC Use Only

File Number:

Call Sign:

Fee Number

APPLICANT INFORMATION

1. Legal Name of Applicant AFRISPACE, INC.		2. Voice Telephone Number 202-715-3555	
3. Other Name Used for Doing Business (if any)		4. Fax Telephone Number 202-715-3528	
5. Mailing Street Address or P.O. Box 2400 N STREET, N.W., GROUND FLOOR ATTENTION: NOAH A. SAMARA		6. City WASHINGTON	
		7. State / Country (if not U.S.A.) DC	8. Zip Code 20009
9. Name of Contact Representative (If other than applicant) JANET HERNANDEZ		10. Voice Telephone Number 202-775-5100	
11. Firm or Company Name COUDERT BROTHERS LLP		12. Fax Telephone Number 202-775-1168	
13. Mailing Street Address or P.O. Box 1627 I STREET, N.W., SUITE 1200 ATTENTION:		14. City WASHINGTON	
		15. State / Country (if not U.S.A.) DC	16. Zip Code 20006

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 checked="" 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 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: _____

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) BROADCASTING SATELLITE SERVICE (SOUND)

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

a. Common Carrier b. Non-Common Carrier

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

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

a. Connected to the Public Switched Network b. Not connected to the Public Switched Network

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) 1452 - 1492 MHZ

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

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.

a -- authorization to add new emission designator and related service
 b -- authorization to change emission designator and related service
 c -- authorization to increase EIRP and EIRP density
 d -- authorization to replace antenna
 e -- authorization to add antenna
 f -- authorization to relocate fixed station
 g -- authorization to change assigned frequency(ies)
 h -- authorization to add Points of Communication (satellites & countries)
 i -- authorization to change Points of Communication (satellites & countries)
 j -- authorization for facilities for which environmental assessment and radiation hazard reporting is required
 k -- Other (Please Specify) AUTHORIZATION TO MODIFY SPACECRAFT CONTROL OPERATIONS

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. YES NO

A Radiation Hazard Study must accompany all applications as an exhibit for new transmitting facilities, major modifications, or major amendments. Refer to OET Bulletin 65.

ALIEN OWNERSHIP

29. Is the applicant a foreign government or the representative of any foreign government?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
30. Is the applicant an alien or the representative of an alien?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
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.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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 proceeding two items? If Yes, attach as an exhibit, an explanation of the circumstances.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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.		
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.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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? <u>USA</u>		

43. Description. (Summarize the nature of the application and the services to be provided).
 AFRISPACE SEEKS AUTHORITY TO CONSOLIDATE ITS SPACECRAFT CONTROL FUNCTIONS OF ITS REGIONAL OPERATIONS CENTER (ROC) WITH THOSE OF AN AFFILIATE. MISSION CONTROL FUNCTIONS OF THE WASHINGTON, DC ROC WILL BE RETAINED. A CONTRACT WILL ASSURE THAT ANY DIRECTIONS SENT BY AFRISPACE'S MISSION CONTROL OR BY EXECUTIVES OF THE COMPANY WILL BE FOLLOWED.

Exhibit No.	Identify all exhibits that are attached to this application.

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
 NOAH A. SAMARA

46. Title of Person Signing
 CHAIRMAN

47. Signature


48. Date
 11/24/01

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).