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November 30, 2001

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

FCC/MELLON

NOV 30 2001

Re: Application for Modification

S2357 SAT-MOD-20011130-00118
LORAL CYBERSTAR, INC.
TELSTAR 11R

Dear Sir or Madam:

Enclosed for filing on behalf of Loral CyberStar, Inc. ("Loral CyberStar") is an original and nine (9) copies of a request on FCC Form 312 to modify Loral CyberStar's Telstar 11R authorization at 37.5° W.L. to include an additional 250 MHz of Ku-band uplink and downlink spectrum. 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
Kasey A. Chappelle

Counsel for Loral CyberStar, Inc.

Enclosures

cc: Tom Tycz
Jennifer Gilsean



File # SAT-MOD-20011130-00118
with attached conditions
Call Sign S2357 Grant Date 9/28/2004
(or other identifier)
From see conditions To see conditions
Approved: [Signature] *Chief Satellite*
Robert G. Nelson Engineering Branch

Attachment
Conditions of Authorization
September 28, 2004

1. Loral Cyberstar, Inc.'s ("Loral Cyberstar") request, File No. SAT-MOD-20011130-00118, to modify its authorization, SAT-LOA-19980508-00043 (Call Sign S2357),¹ to include authority to operate in the 10.95-11.2 GHz and 13.75-14.0 GHz frequency bands IS GRANTED. Accordingly, Loral Cyberstar is authorized to launch and operate its TELSTAR-11R Ku/extended Ku-band satellite at the 37.5° W.L orbital location satellite in the 10.95-11.2 GHz, 11.45-11.7 GHz, 11.7-12.2 GHz, 12.5-12.75 GHz, 13.75-14.0 GHz and 14.0-14.5 GHz frequency bands in accordance with the terms, conditions, and technical specifications set forth in its application, this Attachment and the Federal Communications Commission's Rules.

2. The TELSTAR-11R satellite 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 by September 28, 2005;
 - (b) Complete the Critical Design Review by September 28, 2006;
 - (c) Commence construction by September 28, 2007;
 - (d) Launch and begin operations by September 28, 2009; and
 - (e) Loral Cyberstar must file a bond with the Commission in the amount of \$3 million,² 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 (October 28, 2004).

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

3. In light of the Commission's *First Space Station Reform Order*,³ and the grant of Loral Cyberstar's request to add frequency bands to its existing authorization, we dismiss as moot the request⁴ to reconsider the *2001 Replacement Authorization*.

¹ Application of Loral Space & Communication Ltd., f/k/a Orion Atlantic, L.P., for Authority to Launch and Operate a Hybrid Ku-Band/C-Band Satellite System at the 37.5 W.L. Orbit Location, File No. SAT-LOA-19980508-00043, DA 01-1427, *Memorandum Opinion and Order*, 16 FCC Rcd. 12,490 (2001) (granting authority to replace the Ku-band satellite at 37.5 and denying operations in the C-band) ("*2001 Replacement Authorization*").

² See Amendment of the Commission's Space Station Licensing Rules and Policies, *First Order on Reconsideration and Fifth Report and Order*, IB Docket No. 02-34, FCC 04-147 (rel. July 6, 2004).

³ 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 paras 167, 266 (2003) ("*First Space Station Reform Order*") (indicating that bonds were not required for replacement satellites, that the term of existing satellite authorizations would be extended to 15 years, and that replacement satellite should be brought into use no later than the existing satellite is retired); see also Amendment of the

4. Loral Cyberstar shall prepare the necessary information, as may be required, for submission to the ITU to initiate and complete the advance publication, international coordination, due diligence, and notification process of this space station, in accordance with the ITU Radio Regulations. Loral Cyberstar shall be held responsible for all cost recovery fees associated with these ITU filings. We also note that 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 of other administrations. *See* 47 C.F.R. § 25.111(b).
5. The TELSTAR-11R satellite shall maintain the 37.5° W.L orbital location within ±0.05° longitudinal station-keeping. *See* 47 CFR 25.210(j)(2).
6. Loral Cyberstar may only provide downlink services into the United States and its possessions from the TELSTAR-11R satellite in the 10.95-11.2 GHz or 11.45-11.7 GHz frequency bands if the corresponding uplinks originate outside of the United States and its possessions.
7. Loral Cyberstar may not provide downlink services into the United States and its Possessions from the TELSTAR-11R satellite in the 12.5-12.75 GHz frequency band.
8. In the 13.75-14.0 GHz band, all earth station operators in the United States and its Possessions (US&P) are required to coordinate through NTIA's Interdepartment Radio Advisory Committee's Frequency Assignment Subcommittee.⁵

Commission's Space Station Licensing Rules and Policies, *First Order on Reconsideration and Fifth Report and Order*, FCC 04-147, paras 54-59 (rel. July 6, 2004) (amending section 25.165(e)).

⁴ *See* letter to Thomas S. Tycz, Chief, Satellite Division, International Bureau, Federal Communications Commission from John Stern, Deputy General Counsel, Loral Space & Communications, Ltd., dated July 19, 2001 (seeking change to the milestones imposed in the *2001 Replacement Authorization*).

⁵ The 13.75-14.0 GHz band is shared on a primary basis with the Government radiolocation and with the forward space-to-space and space-to-Earth links of the NASA Tracking and Data Relay Satellite (TDRS) System in the space research service, earth stations in the United States and its Possessions ("US&P") operating with the TELSTAR-11R satellite will require coordination through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee's (IRAC) Frequency Assignment Subcommittee (FAS). *See* 47CFR 2.106 FN US337. In this regard, we have received a letter from the NTIA requesting that we identify these requirements in any grant of authority to operate a satellite in the 13.75-14.0 GHz band. *See* Letter from William Hatch, Acting Associate Administrator, Office of Spectrum Management, NTIA, to Roderick Porter, Acting Chief, International Bureau, Federal Communications Commission (May 11, 1999). *See Also* Amendment of Parts 2, 25, and 90 of the Commission's Rules to Allocate the 13.75-14.0 GHz Band to the Fixed-Satellite Service, ET Docket No. 96-20, Report and Order, 11 FCC Rcd 11951, 11960-61

9. Operation of the TELSTAR-11R satellite network in the 13.75-14.0 GHz band shall be in accordance with footnotes US356 and US357 to 47 C.F.R. § 2.106 in the US&P, including that an earth station in the fixed-satellite service shall have a minimum antenna diameter of 4.5 meters, and with footnotes 5.502 and 5.503 to the ITU Radio Regulations outside of the US&P.⁶
10. Operators of earth stations accessing the TELSTAR-11R satellite in the 13.75 - 14.0 GHz band are urged to cooperate voluntarily with NASA in order to facilitate continued operation of NASA's Tropical Rainfall Measuring Mission (TRMM) satellite.⁷
11. In order to ensure continuity of service, the TELSTAR-11R satellite must begin providing service contemporaneously with the discontinuation of service of the satellite it is replacing at the 37.5° W.L. orbital location.
12. The license term for the TELSTAR-11R satellite, Call Sign S2357, is fifteen years and will begin to run on the date that Loral Cyberstar 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.
13. Loral Cyberstar must provide a written statement to the Commission within 60 days of the date of this grant that identifies any known satellites located at, or planned to be located at, Loral Cyberstar's assigned orbital location, or assigned in the vicinity of that location such that the station-keeping volume of the respective satellites might overlap, and that states the measures that will be taken to prevent in-orbit collisions with such satellites. This statement should address any licensed FCC systems, or any systems applied for and under consideration by the FCC. The statement need not address every filing with the ITU that meets these criteria, but should assess and address any systems reflected in ITU filings that are in operation or that Loral Cyberstar believes may be progressing toward launch, e.g. by the appearance of the system on a launch vehicle

⁶ Domestically, footnotes US356 and US357 are applicable. Internationally, footnotes 5.502 and 5.503 to the International Telecommunication Union (ITU) Radio Regulations also place certain restrictions on FSS operations. We require that earth stations in the US&P operate in accordance with U.S. footnotes US356 and US357. For non-US&P earth stations accessing the TELSTAR-11R satellite, we require operation to be consistent with international footnotes 5.502 and 5.503.

See Application of PanAmSat License Corp. Application for authority to launch and operate a hybrid communications satellite known at 68.5<<degrees>> E.L. *Order and Authorization*, 19 F.C.C.R. 6137,*6139.

⁷ NTIA noted that NASA's Tropical Rainfall Measuring Mission (TRMM) satellite system radar in the band 13.793-13.805 GHz is still operating. Since TRMM is a highly valuable and visible U.S. asset, with a broad range of international users, NTIA has requested cooperation from the FCC and non-Federal Government entities in providing assistance in reducing interference with the TRMM radar. NTIA notes that it desires that FSS earth stations in the 13.793 - 13.805 GHz frequency band located south of 39° N. and east of 110° W. operate with emission levels below -150 dBW/600 kHz at the TRMM space station receiver. As this is a request and not a requirement, considering the secondary nature of the TRMM operation, we urge, but do not require, operators of earth stations accessing the TELSTAR-11R satellite in the 13.75 - 14.0 GHz band to cooperate voluntarily with NASA in order to facilitate continued operation of the TRMM satellite. See Letter from Frederick R. Wentland, Acting Associate Administrator, Office of Spectrum Management, NTIA, to Don Abelson, Chief, International Bureau, FCC (February 28, 2002).

manifest. If Loral Cyberstar elects to rely on coordination with other operators to prevent in-orbit collisions, it shall provide a statement as to the manner in which such coordination will be effected.

14. Loral Cyberstar is afforded thirty days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

15. This Grant 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 public notice indicating that this action was taken.

FCC 312 Main Form	FEDERAL COMMUNICATIONS COMMISSION APPLICATION FOR SATELLITE SPACE AND EARTH STATION AUTHORIZATIONS	Approved by OMB 3060-0678	FCC Use Only
		Est. Avg Burden Hours Per Response: 11 Hrs.	File Number:
			Call Sign:
			Fee Number:

APPLICANT INFORMATION

1. Legal Name of Applicant Loral CyberStar, Inc.		2. Voice Telephone Number (703) 414-1060	
3. Other Name Used for Doing Business (if any)		4. Fax Telephone Number	
5. Mailing Street Address or P.O. Box 1755 Jefferson Davis Highway, Suite 1007 ATTENTION: John P. Stern		6. City Arlington	
		7. State / Country (if not U.S.A.) VA	8. Zip Code 22202
9. Name of Contact Representative (If other than applicant) Stephen R. Bell/Kasey A. Chappelle		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 ATTENTION:		14. City Washington	
		15. State / Country (if not U.S.A.) D.C.	16. Zip Code 20036

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: Telstar 11R at 37.5° W.L.		19. If this filing is an amendment to a pending application enter: (a) Date pending application was filed: N/A (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) _____

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
 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. Connected to the Public Switched Network
 b. Not connected to the 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) _____

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.

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 add uplink & downlink spectrum**

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?	<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 checked="" type="checkbox"/> YES	<input 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.	See Exhibit A	

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 preceding 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.	N/A	
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?	N/A	

Loral CyberStar, Inc., a U.S. corporation, is owned and controlled through an intermediate entity by Loral Space & Communications Ltd. (“Loral”), a Bermuda company that 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 Corp., Order and Authorization*, 12 FCC Rcd. 925, 928 (1997).