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November 29, 2004

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Federal Communications Commission
Office of Secretary

BY HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Columbia Communications Corp.
Pending Matters Relating to AMC-12
File Nos. SAT-MOD-20020517-00078;
SAT-AMD-20030801-00140 & SAT-AMD-20040429-00087**

Dear Ms. Dortch:

Columbia Communications Corp. ("Columbia") is preparing to launch the AMC-12 C-band replacement satellite in early February 2005 to provide service at the 37.5° W.L. orbital location.¹ By this letter Columbia requests that the Commission defer action on milestone-related applications pending with respect to AMC-12. Columbia takes this step to simplify the Commission action needed to permit launch of the spacecraft in February, and requests that the Commission complete review of the limited remaining matters on an expedited basis.

¹ AMC-12 is now scheduled for launch on February 2, 2005 (U.S. time). This date reflects further delay arising from the manufacturer's need to replace the batteries used in the spacecraft due to failure of the original battery model on other satellites. Columbia recently learned that the last replacement battery would not be delivered until mid-December, forcing postponement of the launch until February.

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Action To Be Deferred

Under the *Replacement Order* applicable to the 37.5° W.L. orbital position, Columbia currently is required to complete construction of the replacement spacecraft by November 2005, and launch it by February 2006.² AMC-12 will be launched well within these deadlines, notwithstanding significant delays in the construction program beyond Columbia's control.

Columbia holds a second authorization for an AOR satellite at 47° W.L. with earlier milestones than those in the *Replacement Order*.³ In May 2002 Columbia filed a Modification Application that proposed to swap the milestone schedules for its two AOR authorizations.⁴ This request reflected Columbia's business plan to replace its operations at 37.5° W.L. at an earlier date with AMC-12, prior to commencing new service at 47° W.L., rather than the other way around as reflected in the assigned milestones. No party opposed this request. Unfortunately, however, since 2002 the AMC-12 program has suffered significant construction delays due to manufacturing issues. In August 2003 and April 2004 Columbia filed amendments to the Modification Application that documented the construction delays and sought extension of the construction completion and launch milestones associated with the 47° W.L. authorization (as proposed to apply to AMC-12 at 37.5° W.L. under the milestone "swap").⁵

As discussed above, AMC-12 will be launched to 37.5° W.L. within the milestones still currently applicable under the original *Replacement Order*. For present purposes we therefore request that the Commission hold in abeyance the pending milestone matters. Specifically, we ask that the Commission defer action on that portion of the Modification Application proposing the milestone "swap," as well as on the two associated extension requests in the Milestone Amendments. Columbia will make a further filing with respect to these matters, and their implications for Columbia's authority at 47° W.L., following the successful launch of AMC-12.

² See Columbia Communications Corp., *Memorandum Opinion and Order*, 16 FCC Rcd 20176 (2001) (the "*Replacement Order*") at ¶ 18. These milestones are subject to the separate condition in the *Replacement Order* regarding the end-of-life of Columbia 515. This matter is discussed below.

³ See Columbia Communications Corp., *Memorandum Opinion and Order*, 14 FCC Rcd 3318 (1999).

⁴ See File No. SAT-MOD-20020517-00078 (the "Modification Application"). Under this milestone "swap," the construction completion and launch deadlines at 37.5° W.L. would have been April 5, 2003, and August 5, 2003, respectively (the milestones currently assigned to the 47° W.L. authorization).

⁵ See File Nos. SAT-AMD-20030801-00140 & SAT-AMD-20040429-00087 (collectively, the "Milestone Amendments").

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Actions Requested Now

1. Spacecraft Technical Matters. Columbia's pending Modification Application proposes certain technical changes from the original 37.5° W.L. spacecraft design approved in the *Replacement Order*.⁶ The Modification Application was amended this past August to reflect the spacecraft's operating parameters.⁷ These technical matters are ripe for Commission review, and we ask that they be approved on an expedited basis to permit launch of the AMC-12 spacecraft as constructed.

2. Columbia 515 Condition. Paragraphs 14 and 19 of the *Replacement Order* require Columbia to bring its replacement satellite into service prior to the end of life of Columbia 515, notwithstanding the later milestones. Columbia sought reconsideration of that "515 Condition."⁸ In the meantime Columbia's parent company, SES Americom, received Commission authority to operate its Satcom C-1 spacecraft at 37.5° W.L. following the retirement of Columbia 515.⁹ Pursuant to that authority SES Americom has offered continuous service at 37.5° W.L.

Prior to launch of AMC-12, Columbia requires confirmation that the 515 Condition is not a barrier to launch and operation of the new replacement satellite. The Commission could achieve this result by granting the Reconsideration Petition and removing the condition. Alternatively, the Commission could determine that because continuous service has been offered at 37.5° W.L. using Satcom C-1, the Reconsideration Petition is moot.¹⁰

⁶ See Modification Application, Narrative at 4-6 & Attachment 2 (Technical Appendix).

⁷ File No. SAT-AMD-20040826-00161 (the "Technical Amendment").

⁸ See Petition for Reconsideration of Columbia Communications Corporation, File No. SAT-LOA-20000407-00080 (filed Dec. 14, 2001) ("Reconsideration Petition").

⁹ See File No. SAT-STA-20020517-00076, granted July 17, 2002. SES Americom requested extensions of this authority in November 2002, File No. SAT-STA-20021121-00223, June 2003, File No. SAT-STA-20030613-00106, December 2003, File No. SAT-STA-20031215-00356 and June 2004.

¹⁰ This approach would be consistent with recent Commission action in a similar situation. In August 2004 the Commission authorized SES Americom's Ku-band payload on AMC-15 as a replacement for GSTAR 4 at 105° W.L. GSTAR 4, however, had been moved out of that location after SES Americom placed AMC-2 at 105° W.L. GSTAR 4 was later de-orbited. The conditions to the grant-stamped AMC-15 application required continuity of Ku-band service. The authorization acknowledged in a footnote that GSTAR 4 had already been retired but observed that Ku-band service was being provided by AMC-2. See File No. SAT-LOA-20030219-00013, Terms and Conditions of Authorization at ¶ 9 & n.5 (granted Aug. 18, 2004).

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Columbia is looking forward to launch of AMC-12 in early February, and hopes that by simplifying the matters now at issue, it will permit the Commission to expedite the remaining action required prior to that launch. If any questions arise in connection with this matter, please contact the undersigned.

Respectfully submitted,



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cc: William M. Wiltshire, Esq.
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