

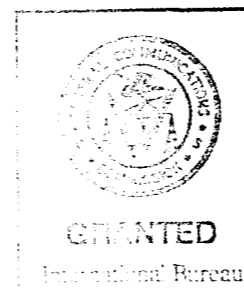
Date & Time Filed: Mar 3 2006 11:59:25:566AM
File Number: SAT-MOD-20060303-00019

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM	FCC Use Only
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Galaxy 3C waiver to provide domestic service in 11.45-11.70 GHz band

1-8. Legal Name of Applicant			
Name:	PanAmSat Licensee Corp.	Phone Number:	202-292-4300
DBA Name:		Fax Number:	202-292-4378
Street:	1801 K Street, N.W. Suite 440	E-Mail:	
City:	Washington	State:	DC
Country:	USA	Zipcode:	20006 -
Attention:	Mr Kalpak S Gude Esq		



File # SAT-MOD-20060303-00019
with attached conditions
Call Sign 52381 Grant Date 10/26/2006
(or other identifier)
Term Dates
From See conditions To: See conditions
Approved: [Signature] Chief Satellite
Robert G Nelson Division

ATTACHMENT

GALAXY 3C
File No. SAT-MOD-20060303-00019
Call Sign: S2381
October 26, 2006

PanAmSat Licensee Corp.'s (PanAmSat) modification request, IBFS No. SAT-MOD-20060303-00019,¹ to add domestic extended Ku-band service on a non-interference, unprotected basis, relative to fixed service (FS) stations, to its existing authorization² to operate the in-orbit Fixed Satellite Service (FSS) C- and Ku-band Galaxy 3C satellite (Call Sign: S2381) at 95.05° W.L. IS GRANTED. Accordingly, PanAmSat is authorized to operate the Galaxy 3C satellite at 95.05° W.L. in order to provide domestic service in the extended Ku-band, 11.45-11.7 GHz (space-to-Earth), in accordance with the terms, conditions, and technical specifications set forth in its application, this Attachment and the Federal Communications Commission's (Commission) Rules. This is in addition to PanAmSat's continuing authority to provide protected international service in the extended Ku-band, 11.45-11.7 GHz (space-to-Earth), as well as protected international and domestic services in the C- and Ku-bands, 5925-6425 MHz, 6425-6675 MHz, 13.75-14.0 GHz and 14.0-14.5 GHz (Earth-to-space) and 3700-4200 MHz, 11.45-11.7 GHz and 11.7-12.2 GHz (space-to-Earth).³ The conditions of PanAmSat's existing authorization otherwise remain unchanged.

- 1) PanAmSat's request for waivers of footnote NG104 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106⁴ and footnote 2 of Section 25.202(a)(1) of Commission's Rules, 47 C.F.R. § 25.202(a)(1),⁵ in order to provide domestic

¹ See PanAmSat Licensee Corp Application to Modify Authorization, File No. SAT-MOD-20060303-00019 (filed on March 3, 2006) (*Galaxy 3C Application*). The application was placed on Public Notice on June 10 2006. See *Public Notice*, Policy Branch Information, Report No. SAT-00347 (March 10, 2006). No comments were filed.

² Originally, PanAmSat was granted authority launch and operate the Galaxy 3C as a replacement for Galaxy 3R and to operate at 95° W.L. See PanAmSat Licensee Corp., Application for Authority to Launch and Operate a Replacement C/Ku Hybrid Fixed Satellite Service Space Station at 95° W.L., *Order And Authorization*, 17 FCC Rcd 10483 (Sat. Div., Int'l Bur., 2002). In 2004, this authorization was modified to allow PanAmSat to operate Galaxy 3C at 95.05° W.L. See *PanAmSat Licensee Corp. Application for Space Station Modification of License*, File No. SAT-MOD-20040405-00079 (grant stamp June 15, 2004). (Collectively, "*PanAmSat Licensing Orders*").

³ See *PanAmSat Licensing Orders*.

⁴ 47 C.F.R. § 2.106, footnote NG104 ("[t]he use of the bands 10.7-11.7 GHz (space-to-Earth) and 12.75-13.25 GHz (Earth-to-space) by the fixed-satellite service in the geostationary-satellite orbit shall be limited to international systems, *i.e.*, other than domestic systems.").

⁵ 47 C.F.R. § 25.202(a)(1) footnote 2 ("[U]se of this by geostationary-satellite orbit systems in the fixed-satellite service is limited to international systems, *i.e.*, other than domestic systems.").

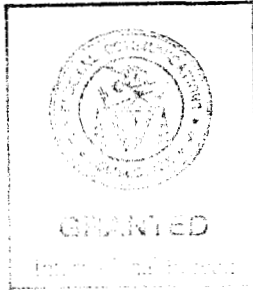
service using earth stations that receive in the 11.45-11.7 GHz band ARE GRANTED as conditioned. We find that waiver of these rules would not undermine their purpose because the waiver involves only passive receive-only earth stations that are not capable of causing interference into fixed stations operating in the same frequency band. Furthermore, because PanAmSat has agreed to accept any level of interference from fixed stations into its receive-only earth stations' operations in the extended Ku-band,⁶ FS operators would not be required to coordinate their station operations with the space station operator's receive-only earth stations' operations. Under these circumstances, we determine that an additional coordination burden is not placed upon FS operators and their ability to expand service in the future is not restricted in any manner. Grant here as conditioned is consistent with prior Commission precedent.⁷

- 2) PanAmSat shall operate its earth stations in the 11.45-11.7 GHz band that provide domestic service on an unprotected, non-interference basis relative to fixed service stations and, as such, PanAmSat may not cause harmful interference to, or claim protection from, fixed service stations to which frequencies in the 11.45-11.7 GHz bands have either already been assigned, or to which frequencies in the 11.45-11.7 GHz band may be assigned at a later date.
- 3) PanAmSat is required to inform its customers, in writing, including end-users receiving service from resellers accessing capacity on the Galaxy 3C satellite, that the service in the 11.45-11.7 GHz band with regard to domestic service is being provided on an uncoordinated basis, AND THAT the potential exists that future-licensed fixed stations may cause harmful interference to these unprotected earth stations.
- 4) PanAmSat is afforded thirty days from the date of release of this action to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

⁶ See *Galaxy 3C Application*, Waiver Request at I.

⁷ On a number of occasions, the Commission has previously authorized downlink of domestic service to customer receive-only earth stations in the 10.95-11.2 GHz and 11.45-11.7 GHz bands. PanAmSat Licensee Corp. Application for Authority to Use the Extended Ku-Band Frequencies for Domestic Service, *Order and Authorization*, 20 FCC Rcd 14642 (Sat. Div., Int'l Bur., 2005); EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-Band Frequencies in the Fixed-Satellite service at the 83° W.L. Orbital Location, *Order And Authorization*, 20 FCC Rcd. 919, 921-922 (para. 9) (Sat. Div., Int'l Bur., 2004); EchoStar Satellite LLC Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-Band Frequencies in the Fixed-Satellite Service at the 109° W.L. Orbital Location, *Order and Authorization*, 20 FCC Rcd. 930 (Sat. Div., Int'l Bur., 2004); EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-Band Frequencies in the Fixed-Satellite Service at the 121° W.L. Orbital Location, *Order And Authorization*, 20 FCC Rcd. 942 (Sat. Div., Int'l Bur., 2004).

- 5) This action 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.



File # SAT-MOD-20060303-00019
with attached conditions.

Call Sign S2381 Date 10/26/2006

(operator's name)

See conditions

See conditions

R G
Robert G. Nelson

Chief Setelite
Division

9-16. Name of Contact Representative

Name:	Joseph A. Godles, Esq.	Phone Number:	202-429-4900
Company:	Goldberg Godles Wiener & Wright	Fax Number:	202-429-4912
Street:	1229 19th Street, NW	E-Mail:	jgodles@g2w2.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036-2413
Attention:	Attorney	Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a1. Earth Station
- a2. Space Station

- (N/A) b1. Application for License of New Station
- (N/A) b2. Application for Registration of New Domestic Receive-Only Station
- (N/A) b3. Amendment to a Pending Application
- (N/A) b4. Modification of License or Registration
- b5. Assignment of License or Registration
- b6. Transfer of Control of License or Registration
- (N/A) b7. Notification of Minor Modification
- (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
- (N/A) b10. Other (Please specify)

17c. Is a fee submitted with this application?

If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

Governmental Entity Noncommercial educational licensee

Other (please explain):

17d.

Fee Classification BFY – Space Station Modification (Geostationary)

18. If this filing is in reference to an existing station, enter:

(a) Call sign of station:
GALAXY 3C

19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number:

(a) Date pending application was filed:

(b) File number:

SATMOD2004040500079

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:	
<input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)	
21. STATUS: Choose the button next to the applicable status. Choose only one. <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier	22. If earth station applicant, check all that apply. <input type="checkbox"/> Using U.S. licensed satellites <input type="checkbox"/> Using Non-U.S. licensed satellites
23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities: <input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A	
24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s). <input checked="" type="checkbox"/> a. C-Band (4/6 GHz) <input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz) <input type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: Frequency Upper: (Please specify additional frequencies in an attachment)	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- a. Fixed Earth Station
- b. Temporary-Fixed Earth Station
- c. 12/14 GHz VSAT Network
- d. Mobile Earth Station
- e. Geostationary Space Station
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive Transmit-Only Receive-Only N/A

"For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification 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 frequency(ies)
- h — authorization to add frequency
- i — authorization to add Points of Communication (satellites & countries)
- j — authorization to change Points of Communication (satellites & countries)
- k — authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l — authorization to change orbit location
- m — authorization to perform fleet management
- n — authorization to extend milestones
- o — Other (Please specify)

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. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. Yes No

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No
30. Is the applicant an alien or the representative of an alien?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
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="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A

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 N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an 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.

Waiver

36. Has the applicant or any party to this application or amendment 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 circumstances. Yes No

Ques 36

37. Has the applicant, or any party to this application or amendment, 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 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 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, address, and citizenship of those stockholders owning a 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 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? 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.

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?

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

PanAmSat respectfully requests waivers of footnote NG 104 of the U.S. Table of Allocations and footnote 2 of Section 25.202(a)(1) of the rules so it can provide service between U.S. domestic points via its Galaxy 3C satellite, on a non-interference basis, using frequencies in the 11.45-11.70 GHz band.

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): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
Kalpak Gude

→

46. Title of Person Signing
Associate General Counsel

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).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to jboley@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.



Wiley Rein & Fielding LLP

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

Virginia Office
7925 JONES BRANCH DRIVE
SUITE 6200
MCLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wrf.com

RECEIVED

July 10, 2006

JUL 10 2006

Jennifer D. Hindin
202.719.4975
jhindin@wrf.com

Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: PanAmSat Licensee Corp., Notification of Transfer of Control for Various Pending Applications, File Nos. SAT-MOD-200051020-00204, SAT-MOD-20060303-00019, SAT-STA-200051020-00205, SAT-STA-20060627-00070, SAT-STA-20060628-0071, SAT-STA-20060628-00072, SES-LIC-20060526-00904, SES-STA-20060629-01089

Dear Ms. Dortch:

PanAmSat Licensee Corp. ("PanAmSat"), by its attorneys, files this letter pursuant to Section 1.65 of the rules of the Federal Communications Commission ("Commission" or "FCC")¹ to notify the Commission that control of the applicant in each of the FCC applications listed in Attachment 1 was transferred to Intelsat Holdings, Ltd. effective July 3, 2006.² PanAmSat respectfully requests that this notification be included in the file for each of the FCC applications. The Commission has previously held, in its *First Space Station Reform Order*, that ownership changes arising from transfers of control would be classified as minor amendments.³ Accordingly, the instant amendment is minor, and the referenced application need not go back on public notice as a result of this amendment.

Please do not hesitate to contact the undersigned with any questions.

Respectfully submitted,

Jennifer D. Hindin

¹ 47 C.F.R. § 1.65.

² *Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC, and PEP PAS, LCC, Transfers and Intelsat Holdings, Ltd., Transferee, Consolidated Application for Authority to Transfer Control of PanAmSat Licensee Corp. and PanAmSat H-2 Licensee Corp.*, Memorandum Opinion and Order, FCC 06-85, ¶ 79 (rel. June 19, 2006).

³ *Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Red 10760, 10814 (2003).

Marlene H. Dortch
 July 10, 2006
 Page 2

Attachment 1

#	LICENSEE	FILE NUMBER	SATELLITE/ CALL SIGN	LOCATION
1	PanAmSat Licensee Corp.	SAT-MOD-20051020-00204	SBS-6 SBS-6	74.05 W.L.
2	PanAmSat Licensee Corp.	SAT-MOD-20060303-00019	Galaxy 3C S2381	95.05W.L.
3	PanAmSat Licensee Corp.	SAT-STA-20051020-00205	SBS-6 SBS-6	74.05 W.L.
4	PanAmSat Licensee Corp.	SAT-STA-20060627-00070	PAS-9/ S2704	26.15E.L.
5	PanAmSat Licensee Corp.	SAT-STA-20060628-00071	PAS-9 / S2704	26.15 E.L.
6	PanAmSat Licensee Corp.	SAT-STA-20060628-00072	Galaxy 9 S2146	90.9 W.L.
7	PanAmSat Licensee Corp.	SES-LIC-20060526-00904	E060198	N/A
8	PanAmSat Licensee Corp.	SES-STA-20060629-01089	E060198	N/A

REQUEST FOR WAIVER

Pursuant to Section 1.3 of the Commission's rules,¹ PanAmSat Licensee Corp. ("PanAmSat"), by its attorneys, respectfully requests waivers of footnote NG 104 of the U.S. Table of Allocations² and footnote 2 of Section 25.202(a)(1) of the rules.³ PanAmSat seeks these waivers so it can provide service between U.S. domestic points via its Galaxy 3C satellite, on a non-interference basis, using frequencies in the 11.45-11.70 GHz band. A grant of this request will serve the public interest by making additional capacity available for valuable communications services without undermining the purposes of the Commission's rules.

I. Introduction

On May 30, 2002, the International Bureau granted PanAmSat authority to launch Galaxy 3C as a Fixed Satellite Service ("FSS") replacement for Galaxy 3R and to operate it at 95° W.L.⁴ Subsequently, on June 15, 2004, the International Bureau modified this authority to allow PanAmSat to operate Galaxy 3C at 95.05° W.L.⁵ Galaxy 3C operates on uplink frequencies in the 5925-6425 MHz, 6425-6675 MHz, 13.75 - 14.0 GHz and 14.0 - 14.5 GHz bands and on downlink frequencies in the 3700 - 4200 MHz, 11.45- 11.7 GHz, and 11.7 - 12.2 GHz bands.

Both NG104 of the Table of Allocations and footnote 2 of Section 25.202(a)(1) of the rules limit the use of the 10.7-11.7 GHz downlink band, which includes the 11.45-11.70 GHz sub-band, to "international systems." The Commission has interpreted this restriction to mean that the 10.7-11.7 GHz band may be used only to provide international service.⁶

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. § 2.106.

³ 47 C.F.R. § 25.202(a)(1).

⁴ See *In the Matter of PanAmSat Licensee Corp., Application for Authority to Launch and Operate a Replacement C/Ku Hybrid Fixed Satellite Service Space Station at 95° W.L.*, Order and Authorization, File Nos. SAT-LOA-19990812-00082, SAT-AMD-20020111-0004, SAT-WAV-20020321-00026, and SAT-STA-20020404-00047 (May 30, 2002) ("Order and Authorization").

⁵ See *PanAmSat Licensee Corp. Application for Space Station Modification of License*, File No. SAT-MOD-20040405-00079 (grant stamped June 15, 2004).

⁶ See Order and Authorization at ¶ 10.

The 11.45-11.70 GHz band is shared on a co-primary basis between the FSS and the fixed service ("FS"). The purpose of NG 104 and footnote 2 is to limit the number of FSS earth stations with which co-primary FS stations would need to coordinate.⁷

PanAmSat seeks a waiver of NG104 and footnote 2 in order to offer services between U.S. domestic points using frequencies in the 11.45-11.70 GHz downlink band. These downlink transmissions will be paired with uplink transmissions in the 13.75-14.0 GHz⁸ or 6425-6675 MHz⁹ bands, which are not subject to the "international only" restriction of NG104 and footnote 2. PanAmSat is not requesting authority to coordinate earth stations in the 11.45-11.70 GHz band with FS stations. Rather, FCC-licensed earth stations receiving in the 11.45-11.70 GHz band will be operated on an uncoordinated basis, and will not claim any protection from interference caused by FS stations, to the extent that the earth stations are receiving signals originating from U.S. points.

⁷ *EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 83 ° W.L. Orbital Location, Order and Authorization, DA 04-3162 at ¶9 (Int'l Bur., Sept. 30, 2004) ("EchoStar 83° Waiver"); see also Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service and the Applications of GE American Communications, Inc., Order and Authorization, 15 FCC Rcd 3385, 3391 (Int'l Bur. 1999) ("GE American").*

⁸ The 13.75-14.0 GHz band is subject to other restrictions that are unrelated to NG104 and footnote 2 of Section 25.202(a)(1). See U.S. Table of Allocations (47 C.F.R. § 2.106), footnotes 5.502, 5.503, 5.503A, US356, and US357. Grant of the waiver requested herein will have no impact on the need for earth stations uplinking to Galaxy 3C in the 13.75-14.0 GHz band to comply with these restrictions.

⁹ The International Bureau authorized PanAmSat to include a 6425-6675 MHz band payload on Galaxy 3C pursuant to Section 25.202(b) of the rules, which permits frequencies that are not listed in Section 25.202(a) to be assigned on a case-by-case basis. Order and Authorization, ¶ 15. FSS earth stations operating in the 6425-6675 MHz band must be coordinated with terrestrial services that also make use of the band. See *id.* ¶¶ 15-18. PanAmSat is aware of at least one FCC-licensed earth station that has been authorized to uplink to Galaxy 3C in the 6425-6675 MHz band. See Call Sign E020091 (File No. SES-MOD-20030318-00351).

II. PanAmSat's Waiver Request is Supported by Good Cause.

Waiver of the Commission's rules is warranted when good cause is shown.¹⁰ A waiver may be granted if the grant "would not undermine the underlying policy objectives of the rule in question" and would serve the public interest.¹¹ A waiver of the Table of Allocations is generally granted "when there is little potential interference into any service authorized under the Table of Frequency allocations and when the non-conforming operator accepts any interference from authorized services."¹²

The Commission previously determined that these criteria were satisfied in circumstances involving other satellites that are comparable to those associated with the present waiver request.¹³ Specifically, the Bureau found that waiving NG 104 and footnote 2 would not undermine the purposes of the rules if the party seeking a waiver:

- (1) requests authority to operate on an uncoordinated basis earth station receivers that are not capable of causing interference into FS stations operating in the band; and
- (2) agrees to accept interference from FS stations.

¹⁰ 47 C.F.R. § 1.3; see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

¹¹ *GE American*, 15 FCC Rcd at 3391.

¹² See *The Boeing Company*, Order and Authorization, 16 FCC Rcd 22645, 22651 (Int'l Bur. & OET 2001); *Application of Fugro-Chance, Inc. for Blanket Authority to Construct and Operate a Private Network of Receive-Only Mobile Earth Stations*, Order and Authorization, 10 FCC Rcd 2860 (Int'l Bur. 1995) (authorizing MSS in the C-band); see also *Application of Motorola Satellite Communications, Inc. for modification of license*, Order and Authorization, 11 FCC Rcd 13952, 13956 (Int'l Bur. 1996) (authorizing service to fixed terminals in bands allocated to the mobile-satellite service).

¹³ See *In the Matter of PanAmSat Licensee Corporation, Application for Authority to Use Extended Ku-Band Frequencies for Domestic Service*, Order and Authorization, File Nos. SAT-MOD-20050325-00072, SAT-MOD-20050325-00073 and SAT-MOD-20050325-00074 (Sept. 15, 2005). See also *EchoStar 83° Waiver; EchoStar Satellite LLC Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 109° W.L. Orbital Location*, Order and Authorization, DA 04-3163 (Int'l Bur., Sept. 30, 2004); *EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 121° W.L. Orbital Location*, Order and Authorization, DA 04-3164 (Int'l Bur., Sept. 30, 2004).

This request satisfies these criteria as well. The earth stations to be used by customers to downlink from Galaxy 3C, like those to be used in the other waivers, only will be receiving passively on an uncoordinated basis in the 11.45-11.70 GHz band. The earth stations, therefore, pose no interference issues with respect to FS stations.

Grant of PanAmSat's waiver request, moreover, will have no impact on the potential for interference from Galaxy 3C to FS stations. Galaxy 3C's downlink transmissions in the 11.45-11.70 GHz band already comply with the power flux density limits set out in the Commission's rules, and PanAmSat does not propose to alter the footprint, power, or other operational characteristics of Galaxy 3C following a grant of its waiver request.

Also like the other waiver grantees, PanAmSat expressly acknowledges that reception in the 11.45-11.70 GHz band will be on a non-interference basis relative to FS stations. PanAmSat will not claim protection against harmful interference caused by any 11.45-11.70 GHz band FS stations.

PanAmSat also agrees to abide by the customer notification requirements that the Bureau has imposed in the other waivers.¹⁴ PanAmSat will inform its customers in writing, including any customers receiving end-user services from resellers accessing capacity on Galaxy 3C, of the potential for interference from FS operations in the 11.45-11.70 GHz frequency band.

Finally, a grant of PanAmSat's waiver request will serve the public interest by expanding the range of services that PanAmSat can provide to the public. In particular, a grant will enable PanAmSat to make additional capacity available in the 11.45-11.70 GHz band for high definition television signals, local-into-local television distribution, broadband transmissions, and other services.

Accordingly, and for the reasons stated herein, grant of PanAmSat's waiver request will serve the public interest without undermining the purposes of the Commission's rules.

¹⁴ See EchoStar 83° Waiver at ¶13.

Exhibit B
Response to Item 36
Regarding Cancelled Authorizations

PanAmSat Licensee Corp. ("PanAmSat") never has had an FCC license "revoked." However, on June 26, 2000, the International Bureau "cancelled" two Ka-band satellite authorizations issued to PanAmSat, based on the Bureau's finding that PanAmSat LC had not satisfied applicable construction milestones. *See In re PanAmSat Licensee Corp.*, Memorandum Opinion and Order, DA 00-1266, 15 FCC Rcd 18720 (IB 2000). In that same order, the Bureau denied related applications to modify the cancelled authorizations. PanAmSat filed an application for review of the Bureau's decision, which the Commission denied, and subsequently filed an appeal with the United States Court of Appeals for the District of Columbia Circuit, which was dismissed in January 2003 at PanAmSat's request. Notwithstanding the fact that the Bureau's action does not seem to be the kind of revocation action contemplated by question 36, PanAmSat is herein making note of the decision in the interests of absolute candor and out of an abundance of caution.

In any event, the Bureau's action with respect to PanAmSat does not reflect on its basic qualifications, which are well-established and a matter of public record.