

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

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Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Satélites Mexicanos, S.A. de C.V.)	File No. SAT-MOD-20060821-00090
)	
Modification to the Petition for)	
Declaratory Ruling to Add)	
Solidaridad 2 to the Permitted)	
Space Station List at 114.9° WL)	

Received

OCT 04 2006

Policy Branch
International Bureau

COMMENT OF TELESAT CANADA

Telesat Canada ("Telesat") wishes to provide the Federal Communications Commission ("FCC" or "Commission") with the following comment on the above referenced Satelites Mexicanos S.A. de C.V. ("Satmex") modification application to place Solidaridad 2, located at the 114.9° WL orbital position, on the Commission's Permitted Space Station List ("Permitted List").¹ As Satmex notes in its application, Solidaridad 2 was previously on the Commission's Permitted List at the 113.0° WL orbital position² and has now been re-located to the 114.9° WL position.

Telesat is a Canadian-licensed satellite operator and is well known to the Commission, having had a number of its Fixed-Satellite Service ("FSS") satellites placed on the FCC's Permitted List³ and another recent application pending.⁴ The locations of these Canadian

¹ *Satélites Mexicanos, S.A. de C.V. Modification to Petition for Declaratory Ruling To Add Solidaridad 2 to the Permitted Space Station List*, File No. SAT-MOD-20060821-00090 (filed August 21, 2006) ("Solidaridad 2 Petition").

² See *Satélites Mexicanos, S.A. de C.V. Petition for Declaratory Ruling*, Order, 15 FCC Rcd 19,311 (2000) (adding Solidaridad 2 and Satmex 5 to the Permitted List) ("*Solidaridad 2 and Satmex 5 Order*").

³ *Telesat Canada: Request for Declaratory Ruling or Petition for Waiver on Earth Stations' Use of Anik E1 and Anik E2 Satellite Capacity to Provide Basic Telecommunications Service in the United States*, Order, 15 FCC Rcd 3649, 3653 (¶ 13) (Int'l Bur. 1999) ("Anik E1 and E2 Order"); *Telesat Canada: Petition for Declaratory Ruling For Inclusion of Anik F1 on the Permitted Space Station List*, Order, 15 FCC Rcd 24828, 24831 (¶ 10) (Int'l Bur. 2000) ("Anik F1 Order"); *Telesat Canada: Petition for Declaratory Ruling for Inclusion of Anik F2 on the Permitted Space Station List*, Order, 17 FCC Rcd 25287, 25291 (¶ 11) (Int'l Bur. 2002) ("Anik F2 Order"). In the Anik F2 Order the Commission also granted Telesat authority to offer two-way broadband services at Ka-band in the U.S. market. *Telesat (Anik F1R) Petition for Declaratory Ruling for a Replacement Satellite*, File No. SAT-PPL-20050504-00094 (approved July 15, 2005).

satellites in the North American arc range from 107.3° to 118.7° WL, and are as close as 3.8 degrees of separation from the Solidaridad 2 location of 114.9° WL. Accordingly, Telesat has a significant direct interest in the proper operation of Solidaridad 2 at 114.9° WL.

Because of the close proximity of the Telesat and Satmex satellite orbital locations, Telesat and Satmex have entered into a comprehensive coordination agreement to ensure that neither party causes unacceptable interference into the other party's satellite network operations. The agreement currently in force was concluded in August 2003 ("the 2003 Agreement").

Accordingly, Telesat has no objection to Solidaridad 2 being added to the Commission's Permitted List at the 114.9° WL position, provided that the Commission includes a condition requiring Satmex's operation of this satellite to comply with its 2003 Agreement with Telesat. Such a condition would be consistent with Satmex's statements in its pending petition that "Satmex has completed all required coordinations with U.S. and Canadian satellite operators for the Solidaridad 2 satellite at 114.9°W orbital location" and that "[a]ll traffic on the Solidaridad 2 satellite will be in accordance with these coordination agreements."⁵ Telesat notes that such a condition would also be consistent with the ordering clause in the Solidaridad 2 and Satmex 5 Order that "...access to the Solidaridad 2 and SatMex 5 satellite networks SHALL BE in compliance with the satellite coordination agreement between SatMex of Mexico, Telesat Canada, and Industry Canada, signed in Istanbul on May 31, 2000, and any future modifications to which the parties agree."⁶ (emphasis in original) Similar conditions also appear in the Commission's recent grant stamp approval adding Satmex 6 to the Permitted List.⁷

⁴ *Telesat Canada: Petition for Declaratory Ruling for Anik F3 to be Added to the Permitted List*, SAT-PPL-20060516-00061 (filed May 16, 2006).

⁵ Solidaridad 2 Petition at 3.

⁶ Solidaridad 2 and Satmex 5 Order at ¶ 22.

⁷ See conditions 1 and 2, SAT-PPL-20060329-00030/SAT-AMD-20060724-00080 (Int'l Bur. Sat. Div., Auth. By Grant Stamp w/Conditions, August 4, 2006).

Respectfully submitted,
Telesat Canada



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September 29, 2006

CERTIFICATE OF SERVICE

I, Pam Conley, do hereby certify that on September 29, 2006 I served a copy of the aforementioned **Comment of Telesat Canada** upon the following parties either by U.S. first-class mail, postage pre-paid, or by electronic mail delivery (*):

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