

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

In the Matter of)	
)	
95 License Subsidiary, LLC)	File No. SAT-MOD-2012_____
)	
Application to Modify 95° W.L. 17/24 GHz)	
Broadcasting Satellite Service Authorization)	Call Sign: S2795
_____)	

MODIFICATION

95 License Subsidiary, LLC (“95 License Sub”) files this modification to provide the predicted transmitting antenna off-axis gain information for 95 License Sub’s 95.15° W.L. 17/24 GHz Broadcasting Satellite Service (“BSS”) authorization (Call Sign S2795).¹ Pursuant to recently released rules, current authorization holders are required to file a modification application to supplement the file with all required information.² This application has been filed electronically as an attachment to FCC Form 312.³ The remaining technical information in 95

¹ Control of this authorization was recently transferred from Pegasus Development DBS Corporation to Spectrum Five. *Policy Branch Information Actions Taken*, Report No. SAT-00834, DA 12-14, File No. SAT-T/C-20111013-00201 (Jan. 6, 2012) (Public Notice).

² 47 C.F.R. § 25.264(a). *See also International Bureau Announces Effective Date for New Information Requirements in the 17/24 GHz Broadcasting-Satellite Service and Establishes Filing Deadline for Pending Applications and Current Authorizations*, Report No. SPB-239, DA 12-71 (Jan. 20, 2012) (Public Notice) (requiring each current 17/24 GHz BSS authorization holder to file a conforming modification to its authorization no later than March 15, 2012).

³ 95 License Sub appreciates the Commission’s recognition that any defects in this early filing will not be grounds for dismissal. *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, Second Report and Order, 26 FCC Rcd 8927, 8957, n.184 (2011) (“If off-axis antenna gain data and associated information is filed prior to the effective date of these rules, defects in the off-axis antenna gain data will not be ground for dismissal”).

License Sub's current authorization is unchanged and is incorporated by reference.⁴

New Section 25.264(a) requires the submission of predicted transmitting antenna off-axis antenna gain information:

(1) In the X-Z plane, i.e., the plane of the geostationary orbit, over a range of 30 Degrees from the positive and negative X-axes in increments of 5 degrees or less.

(2) In planes rotated from the X-Z plane about the Z-axis, over a range of up to 60 degrees relative to the equatorial plane, in increments of 10 degrees or less.

(3) In both polarizations.

(4) At a minimum of three measurement frequencies determined with respect to the entire portion of the 17.3-17.8 GHz frequency band over which the space station is designed to transmit: 5 MHz above the lower edge of the band; at the band center frequency; and 5 MHz below the upper edge of the band.

(5) Over a greater angular measurement range, if necessary, to account for any planned spacecraft orientation bias or change in operating orientation relative to the reference coordinate system. The applicant must also explain its reasons for doing so.

95 License Sub submits the requested antenna data predictions for its space station in the attached technical materials.⁵ The required information is produced for a CONUS beam and a Mexico beam. Consistent with the new rule, for the CONUS beam, the predictions were made in

⁴ *Policy Branch Information Actions Taken*, Report No. SAT-00805, DA 11-1498, File Nos. SAT-LOA-20090807-00084, SAT-AMD-20100528-00114, SAT-AMD-20100729-00170, and SAT-AMD-20110503-00084 (Sept. 2, 2011) (Public Notice).

⁵ Because 95 License Sub does not plan for any spacecraft orientation bias or change in operating orientation relative to the reference coordination system, it does not provide predictions over a greater angular measurement range as specified in Section 25.264(a)(5). *See* 47 C.F.R. § 25.264(a). Similarly, because the power flux density of 95 License Sub's proposed space station will not exceed the coordination trigger of -117 dB W/m²/100 kHz at the location of any prior-filed U.S. DBS space station, 95 License Sub has not provided the calculation otherwise required in Section 25.264(b). *See* 47 C.F.R. § 25.264(b).

both polarizations (*i.e.*, RHCP and LHCP) at three measurement frequencies in the 17.3-17.7 GHz frequency band over which its proposed space station is designed to transmit.⁶ For the Mexico beam the predictions were made in both polarizations at three measurement frequencies in the 17.7-17.8 GHz band, which are the only frequencies operated for this beam.⁷ The data is calculated over a range of +/- 30 degrees from the X axis in the X-Z plane, and over a range of +/- 60 degrees in planes rotated about the Z axis. In addition, consistent with Sections 25.114(d)(18) and 25.264(h)(2) of the Commission's rules,⁸ 95 License Sub will maintain the maximum orbital eccentricity to less than 3.1×10^{-4} .

For the foregoing reasons, 95 License Sub requests that its authorization be modified to include the attached transmit antenna off-axis gain information.

Respectfully submitted,

Spectrum Five LLC

By: /s/ David Wilson

David Wilson
President
SPECTRUM FIVE LLC

March 14, 2012

⁶ The attached technical materials for the CONUS beam note frequencies 17.3 GHz, 17.5 GHz, and 17.7 GHz that have been rounded. The actual measurement frequencies are 17.305 GHz, 17.5 GHz, and 17.695 GHz.

⁷ The attached technical materials for the Mexico beam note frequencies 17.7 GHz, 17.75 GHz, and 17.8 GHz that have been rounded. The actual measurement frequencies are 17.705 GHz, 17.75 GHz, and 17.795 GHz.

⁸ 47 C.F.R. §§ 25.114(d)(18) & 25.264(h)(2).

ENGINEERING CERTIFICATION

The undersigned hereby certifies to the Federal Communications Commission as follows:

- (i) I am the technically qualified person responsible for the engineering information contained in the foregoing Application,
- (ii) I am familiar with Part 25 of the Commission's rules, and
- (iii) I have either prepared or reviewed the engineering information contained in the foregoing Application, and it is complete and accurate to the best of my knowledge and belief.

Signed:

/s/ Thomas E. Sharon

Dr. Thomas E. Sharon, COO

March 14, 2012

FCC Form 312, Response to Question 36: Cancelled Authorizations

95 License Subsidiary, LLC has never had an FCC license “revoked.” However, Spectrum Five LLC, 95 License Subsidiary, LLC’s parent company, filed a petition¹ seeking a declaratory ruling to extend or waive the interim construction milestone associated with the 114.5° W.L. authorization.² The International Bureau (“Bureau”) has denied this petition and cancelled Spectrum Five’s authorization for the 114.5° W.L. orbital location.³ Spectrum Five has a pending petition for reconsideration of this decision, asking the Bureau to reconsider its decision and reinstate Spectrum Five’s market access authorization for the 114.5° W.L. orbital location.⁴ Notwithstanding the fact that the Bureau’s action does not seem to be the kind of revocation action contemplated by Question 36, Spectrum Five is herein making note of the decision in the interest of absolute candor and out of an abundance of caution. In any event, the Bureau’s action does not reflect on Spectrum Five or 95 License Subsidiary, LLC’s basic qualifications, which are well-established and a matter of public record.

¹ Spectrum Five LLC, Petition for Declaratory Ruling To Modify Its Authorization to Serve the U.S. Market Using BSS Spectrum from the 114.5° W.L. Orbital Location, File No. SAT-MOD-20101126-00245 (filed Nov. 26, 2010).

² *Spectrum Five LLC, Petition for Declaratory Ruling to Serve the U.S. Market Using Broadcast Satellite Spectrum from the 114.5° W.L. Orbital Location*, Order and Authorization, 21 FCC Rcd 14023 (2006).

³ *In the Matter of Spectrum Five LLC Petition for Declaratory Ruling to Extend or Waive Construction Milestone*, Memorandum Opinion and Order, DA 11-1252 (Int’l Bur., Jul. 26, 2011).

⁴ Petition for Reconsideration, File Nos. SAT-MOD-20101126-00245 and SAT-MOD-20101126-00269 (filed Aug. 25, 2011).