

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

In the Matter of)	
)	
SES AMERICOM, INC.)	File No. SAT-MOD-20140730-00089
)	Call Sign S2445
Application for Modification of AMC-1)	
Fixed-Satellite Space Station License)	

RESPONSE OF SES AMERICOM, INC.

SES Americom, Inc. (“SES Americom,” doing business as “SES”) hereby responds to the comments filed by DIRECTV¹ and Intelsat² on the above-captioned application to modify the AMC-1 license by reassigning the satellite to 47.5° W.L. (the “AMC-1 Modification”). Neither DIRECTV nor Intelsat opposes the modification, and the issues raised by the parties present no obstacle to grant of the application. Accordingly, SES requests that the Commission authorize the requested license modification to permit relocation of AMC-1 to begin as soon as its traffic has been transferred to its replacement satellite, SES-3.

DIRECTV’s Request for Deferral Must Be Rejected

DIRECTV’s expression of concern on behalf of SES’s AMC-1 customers about continuity of service at 103° W.L. if the Commission were to authorize a relocation of the satellite before the pending SES-3 replacement application has been granted is both baseless and disingenuous. As SES has made abundantly clear, it is proposing to relocate AMC-1 to 47.5° W.L. only *after* the transfer of traffic from AMC-1 to SES-3 has occurred, which in turn

¹ Comments of DIRECTV, LLC, File No. SAT-MOD-20140730-00089, dated Oct. 20, 2014 (the “DIRECTV Comments”).

² Comments of Intelsat License LLC, File No. SAT-MOD-20140730-00089, dated Oct. 20, 2014 (the “Intelsat Comments”).

can only occur after grant of the pending SES-3 replacement application.³ There is thus nothing “misleading”⁴ in the AMC-1 Modification in this regard.

DIRECTV’s purported concern about service continuity for AMC-1 customers is also blatantly disingenuous. Neither the Commission nor DIRECTV can be in any doubt regarding SES’s commitment to providing continuous service at 103° W.L. Ensuring such continuity is the reason SES timely constructed and launched replacement capacity and the reason why SES and its customer NBCUniversal have been pushing for grant of the long-pending SES-3 application, consistent with the public interest and established Commission policy in favor of replacement satellites. Replacement of AMC-1 would already be complete but for DIRECTV’s opposition to the SES-3 replacement application and the International Bureau’s unprecedented decision to defer grant of C- and Ku-band authority to “provide a period of time” for coordination to take place in the unrelated 17/24 GHz BSS band.⁵ If DIRECTV were truly concerned about long-term continuity of service and preventing disruption to AMC-1 customers,⁶ it could simply withdraw its opposition to the SES-3 application. Instead, it continues to abuse Commission licensing proceedings in an attempt to improve its negotiation position vis-à-vis SES in unrelated frequency bands.

The harm resulting from DIRECTV’s opposition and the Bureau’s deferral decision is substantial and irreparable. SES and its customers (at their own risk) have done as much of the advance work as they can to lay the foundation for a smooth transfer of C- and Ku-

³ AMC-1 Modification, Narrative at 2 & n.3.

⁴ DIRECTV Comments at 1.

⁵ *SES Americom, Inc.*, 29 FCC Rcd 3678, 3678, ¶ 1 (IB 2014) (the “*SES-3 Deferral*”).

⁶ *See* DIRECTV Comments at 3.

band traffic from AMC-1 to SES-3, following the Commission's partial grant of TT&C authority for the SES-3 satellite.⁷ For SES's customer NBCUniversal, this has involved truck rolls out to hundreds of earth station sites to make the antenna adjustments necessary to permit traffic transfer before the commencement of the NFL season in August. However, because of the Bureau's decision to defer grant of SES-3 replacement authority, SES and its customers could not complete the transition to SES-3 as scheduled. This delay has caused NBCUniversal to miss its window to execute an orderly traffic transfer in 2014, and the next window for the transition will not open until after the end of the NFL season in February 2015 (at the earliest). In the meantime, NBCUniversal will be at continuing risk of loss of service in the event that AMC-1 develops some kind of anomaly. The delayed replacement of AMC-1 is also causing continuing harm to the public interest (and SES) by tying up two satellites at 103° W.L. for an unconscionably long period of time. As the proposal to relocate AMC-1 makes clear, there are better uses to which the AMC-1 satellite can be put before its retirement than serving as a pawn in DIRECTV's attempt to gain coordination leverage.

The extended delay in the case of SES-3 is especially egregious because it is completely at odds with Commission precedent. The Commission has consistently made clear that completion of coordination in a frequency band is not a prerequisite for grant of authority in that frequency band.⁸ Yet, in the case of SES-3, the Bureau is expressly refusing "for a period of

⁷ *SES-3 Deferral*, 29 FCC Rcd at 3678, ¶ 1.

⁸ *See, e.g., DIRECTV Enterprises, LLC*, File No. SAT-LOA-20090807-00085, grant-stamped Jan. 8, 2010 (authorizing DIRECTV to operate the interim RB-2A 17/24 GHz BSS payload at the nominal 103° W.L. orbital location even though it had not even commenced, much less completed, coordination in the 17/24 GHz BSS frequencies with SES Americom's affiliate, Ciel); *SES Satellites (Gibraltar) Limited*, File Nos. SAT-PPL-20101103-00230 & SAT-APL-20110120-00015, grant-stamped Oct. 13, 2011 (adding NSS-703 to the Permitted List and denying a request that authority be conditioned on the completion of coordination); *Loral*

time” to grant replacement authority for the C- and Ku-band spectrum on SES-3 because of coordination issues relating to a completely separate band. The Bureau has not attempted to explain, let alone justify, its departure from its own precedent.

In any event, nothing in the DIRECTV pleading justifies deferring action on the AMC-1 Modification. DIRECTV’s actions in the SES-3 proceeding have ensured that AMC-1 will not be available for relocation until at least February of 2015, following the end of the NFL season. However, that is no reason to delay grant of the authority that will be needed when that time comes.

SES Has No Objection to the Condition Requested by Intelsat

Intelsat requests that any grant of the AMC-1 Modification specify that the space station “must comply with all existing and future space station coordination agreements reached between the Netherlands and other Administrations, *including the United States.*”⁹ Intelsat states that similar language is typically included in Commission authorizations for satellites operating under non-U.S. International Telecommunication Union (“ITU”) filings, including the market access grant for NSS-806, the satellite with which AMC-1 will be collocated at 47.5° W.L.¹⁰ Intelsat acknowledges that the italicized phrase is not part of the standard condition, but requests that it be included to avoid any possible misunderstanding.¹¹

SES does not oppose the suggested coordination condition. SES does not believe there is any risk of misunderstanding, as it goes without saying that satellite operators must abide

Spacecom, 18 FCC Rcd 16374 (Sat. Div. 2003) (adding Telstar 13 to the Permitted List despite the fact that coordination with a higher priority filing had not been completed).

⁹ Intelsat Comments at 2 (emphasis in original).

¹⁰ *Id.* at 2 & n.4.

¹¹ *Id.* at 2.

by existing and future coordination agreements. Nevertheless, if the Commission deems it advisable to make the requirement explicit, SES has no objection.

In addition, SES expects that any grant of the AMC-1 Modification will also include the Commission's standard language relating to two-degree spacing:

SES Americom shall comply with the power levels specified in Section 25.212 of the Commission's rules, 47 C.F.R. § 25.212, unless SES Americom coordinates any operations using power levels exceeding the levels in Section 25.212 with all potentially affected adjacent satellites within 6 degrees orbital separation of the 47.5° W.L. orbital location. SES Americom shall inform the Commission of the power levels it has coordinated. In addition, SES Americom must inform all affected earth station operators that Section 25.220 of the Commission's rules, 47 C.F.R. § 25.220, applies to operations that exceed the power levels specified in Section 25.212.

As with the language requested by Intelsat, this condition is routinely included in authorizations for U.S.-licensed satellites (operating either under U.S. or foreign ITU filings), as well as non-U.S.-licensed space stations granted market access to serve the U.S., including NSS-806.¹² SES, however, would oppose any alteration of this standard language, such as the one Intelsat has recently suggested with respect to its pending application for the Intelsat 29e spacecraft.¹³

¹² See, e.g., *SES Americom, Inc.*, File No. SAT-MOD-20140207-00020, grant-stamped April 10, 2014, Attachment to Grant at 3, ¶ 15; *New Skies Satellites B.V.*, File No. SAT-MPL-20130906-00114, grant-stamped Feb. 4, 2014, Attachment to Grant at 3, ¶ 11; *New Skies Satellites B.V.*, File No. SAT-PPL-20120717-00117, grant-stamped Aug. 1, 2013, Attachment to Grant at 5, ¶ 20; *Hispasat, S.A.*, File No. SAT-PPL-20130430-00064, grant-stamped Dec. 20, 2013, Attachment to Grant at 1, ¶ 4; *Intelsat License LLC*, File No. SAT-MOD-20120713-00110, grant-stamped May 21, 2014, Attachment to Grant at 2-3, ¶ 7; *Intelsat License LLC*, File No. SAT-MOD-20130322-00052, grant-stamped Oct. 23, 2013, Attachment to Grant at 2, ¶ 14; *Intelsat License LLC*, File No. SAT-RPL-20120216-00018, grant-stamped May 25, 2012, Attachment to Grant at 3, ¶ 13; *Intelsat License LLC*, File No. SAT-LOA-20110610-00105, grant-stamped Oct. 9, 2012, Attachment to Grant at 2, ¶ 7.

¹³ Intelsat has argued that the Commission should add a sentence specifying that a “potentially affected” satellite for purposes of the condition is one with which coordination is required under the ITU regulations. See Response of Intelsat License LLC, File Nos. SAT-LOA-20130722-00097 & SAT-AMD-20140718-00087, filed Oct. 29, 2014 at 3. SES will address this claim in more detail when it files its reply regarding Intelsat 29e. For present purposes, however, we simply note that Intelsat's proposed language clearly does not reflect current Commission policy.

Conclusion

For the foregoing reasons and those set forth in the AMC-1 Modification, SES requests prompt Commission action allowing relocation of AMC-1 to 47.5° W.L. following the transfer of traffic to SES-3.

Respectfully submitted,

SES AMERICOM, INC.

By: /s/ Daniel C.H. Mah

Of Counsel

Karis A. Hastings
SatCom Law LLC
1317 F Street, N.W., Suite 400
Washington, D.C. 20004
Tel: (202) 599-0975

Daniel C.H. Mah
Regulatory Counsel
SES Americom, Inc.
Four Research Way
Princeton, NJ 08540

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In the ongoing proceeding on Part 25 reform, the Commission is seeking comment on two-degree spacing, including on Intelsat's suggestion that "instead of adhering to the two-degree spacing rules, the Commission should allow coordination between operators to control operational requirements and should resolve disputes based on ITU coordination priority." *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Further Notice of Proposed Rulemaking, IB Docket No. 12-267, FCC 14-1427 (rel. Sept. 30, 2014) at ¶ 43. As the Commission's statement makes clear, the Intelsat proposal would represent a departure from existing Commission policy. *See id.* Unless and until the Commission adopts such a change in its rules, the Commission staff must continue to apply current two-degree spacing policy as reflected in the condition language set forth above.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of November, 2014, a true copy of the foregoing "Response of SES Americom, Inc." is being sent by first class, U.S. Mail, postage paid, to the following:

Stacy R. Fuller
DIRECTV, LLC
901 F Street, N.W., Suite 600
Washington, DC 20004

William M. Wiltshire
Michael Nilsson
HARRIS, WILTSHIRE & GRANNIS LLP
1919 M Street, N.W., Suite 800
Washington, DC 20036

Susan H. Crandall
Associate General Counsel
INTELSAT CORPORATION
7900 Tysons One Place
McLean, VA 22102

Jennifer D. Hindin
Colleen King
WILEY REIN LLP
1776 K Street, N.W.
Washington, DC 20006-2304

/s/ _____
Norma Herrera