

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

In the Matter of)	
)	
Satélites Mexicanos, S.A. de C.V.)	File No.
)	Call Sign 2589
Petition for Declaratory Ruling To Modify)	
the U.S. Market Access Grant of the)	
E117WB Satellite)	

PETITION FOR DECLARATORY RULING

Satélites Mexicanos, S.A. de C.V., dba Eutelsat Americas (“Eutelsat Americas”), pursuant to Section 25.137(f) of the Commission’s rules, 47 C.F.R. §25.137(f), hereby seeks to modify the U.S. market access grant of the E117WB satellite that will operate at the 117° W.L. orbit location. Specifically, Eutelsat Americas requests authority to add the 13.75-14.0 GHz (Earth-to-space) band and the 11.45-11.7 GHz band (space-to-Earth) to its market access grant, and to modify Condition 4 of its market access grant to reflect Mexico as the responsible administration for space object registration with the United Nations. Eutelsat Americas provides information herein and in the associated FCC Form 312, including schedules and attachments, to demonstrate compliance with applicable Commission rules and policies. As discussed herein, grant of this petition would strongly serve the public interest.

I. BACKGROUND

Eutelsat Americas has been granted U.S. market access to provide radio navigation satellite service (“RNSS”) using the E117WB satellite at the 117° W.L. orbit location.¹ The

¹ Satélites Mexicanos, S.A. de C.V., Grant of Petition for Declaratory Ruling, File Nos. SAT-LOI-20140617-00070 and SAT-AMD-20141119-00123, Call Sign S2926 (Aug. 20, 2015) (“*E117WB Market Access Grant*”).

E117WB satellite (previously known as Satmex 9) was launched on June 15, 2016, remains in extended transfer orbit operations, is expected to reach 117° W.L. by mid-December and, after completion of in-orbit testing, will commence operations in early 2017.

In addition to the RNSS payload, E117WB has additional communications capabilities that can be used to support fixed-satellite service (“FSS”) uplink earth station operations from the United States for international video/data distribution and similar applications. Specifically, the E117WB satellite can support uplinks in the 13.75-14.0 GHz (Earth-to-space) band and downlinks in the 11.45-11.7 GHz band (space-to-Earth) portions of the “Extended Ku-band.”² The Extended Ku-Band was recently included in the range of permissible frequencies for communications with satellites on the Permitted List.³

Condition 4 of the E117WB Market Access Grant indicates that the grant was based on the applicant’s statement that Papua New Guinea authorities will register the satellite space object with the United Nations. For various reasons, Mexico (rather than Papua New Guinea) is the registering nation of E117WB at the United Nations Office of Outer Space Affairs. Eutelsat Americas respectfully requests that the Commission modify Condition 4 to reflect the correct registering nation of the E117WB satellite.

² See 47 C.F.R. § 25.103.

³ See Comprehensive Review of Licensing and Operating Rules for Satellite Services, *Second Report and Order*, IB Dkt. 12-167 (Dec. 17, 2015) at ¶249 (“*Part 25 Second Report & Order*”) (expanding the scope of Permitted List authority to the Extended Ku-band). The Commission has indicated that petitioners need not expressly request inclusion on the Permitted List but, out of an abundance of caution, Eutelsat Americas hereby requests the satellite be added to the Permitted List given the unique nature of the original U.S. market access grant for the E117WB satellite and the recent addition of the Extended Ku-band to eligible Permitted List frequencies. See *id.* at ¶¶249-250 and n. 600.

II. DISCUSSION

Eutelsat Americas files the instant petition pursuant to Section 25.137(f) of the Commission's rules, which contemplates modification of U.S. market access grants consistent with the Commission's general license modification provisions.⁴ Eutelsat Americas is the holder of numerous authorizations from the Commission, including U.S. market access authority for the E117WB satellite, and its qualifications to hold such authority are well understood. In this petition and the associated application materials, Eutelsat Americas demonstrates that grant of the requested modifications would be compliant with Commission rules and policies, and would serve the public interest.

A. Addition of the 13.75-14.0 GHz and 11.45-11.7 GHz Bands

The Commission has already granted Eutelsat Americas market U.S. access authority for the E117WB satellite and information regarding the satellite's operational characteristics and Eutelsat Americas' qualifications are hereby incorporated by reference.⁵ Accordingly, this request to add the 13.75-14.0 GHz and 11.45-11.7 GHz bands includes only the additional information relevant to the requested modification.⁶ Except as set forth herein, Eutelsat Americas certifies that the other information related to operation of the E117WB satellite has not changed.⁷ Additionally, Eutelsat Americas is unaware of any GSO-like applications that may

⁴ See 47 C.F.R. §§ 25.117(d), 25.137(f) and related provisions.

⁵ See generally File Nos. SAT-LOI-20140617-00070 and SAT-AMD-20141119-00123, Call Sign S2926.

⁶ See 47 C.F.R. § 25.117(d)(1).

⁷ *Id.*

affect the processing of this request to add these Extended Ku-band frequencies to the U.S. market access authority of the E117WB satellite.⁸

The United States Table of Frequency Allocations (“Table of Allocations”), Section 2.106 of the Commission’s Rules, 47 C.F.R. § 2.106, identifies conditions for spectrum use by FSS networks in the 13.75-14.0 GHz and 11.45-11.7 GHz bands. Specifically, in the 13.75-14.0 GHz band FSS, operations are considered co-primary with U.S. government shipboard radar radiolocation and National Aeronautics and Space Administration (“NASA”) Tracking and Data Relay Satellite Systems (“TDRSS”) operations. Eutelsat Americas will operate the E117WB satellite consistent with the Table of Allocations and the Commission’s policies governing use of the 13.75-14.0 GHz band. In particular, Eutelsat Americas acknowledges that applicants proposing uplink earth station operations with E117WB would be required to comply with FCC Report and Order 96-377⁹ to protect U.S. government operations from harmful interference. In addition, Eutelsat Americas has coordinated operation of the E117WB satellite with NASA TDRSS operations in the 13.75-13.8 GHz band, as well as other spectrum.¹⁰

In the 11.45-11.7 GHz band, FSS operations are co-primary with terrestrial FS and access to the band has been permitted for a range of earth station receive operations subject, in part, to not claiming protection from FS operations.¹¹ The recent addition of extended Ku-Band

⁸ See 47 C.F.R. § 25.117(d)(2)(iii).

⁹ See *Amendment of Parts 2, 25 and 90 of the Commission’s Rules to Allocate 13.75-14.0 GHz Band to the Fixed-Satellite Service*, Report and Order, FCC 96-377 (Rel. September 26, 1996).

¹⁰ See *Operational Level Coordination Agreement Between NASA and Eutelsat Americas Concerning the TDRS 12W Satellite Network and the Raggiana-18 Satellite Network* (December 2015). Eutelsat Americas understands that the Commission has access to the terms of this confidential agreement, but requests the opportunity to supplement this filing on a confidential basis if necessary.

¹¹ See 47 C.F.R. § 2.106 at footnote US52.

frequencies for communications with satellites on the Permitted List is consistent with this policy.¹² Eutelsat Americas also would note that, given E117WB's international footprint and Commission rules designed to facilitate access to the 11.45-11.7 GHz downlink band throughout the United States, adding this band to the E117WB satellite's market access grant would be consistent with footnote US52 and related provisions.

The Commission has previously granted authority for operations in the 13.75-14.0 GHz and 11.45-11.7 GHz bands,¹³ and Eutelsat Americas acknowledges that earth station operations will be consistent with similarly approved operations.¹⁴ For example, downlink operations in the 11.45-11.7 GHz will be consistent with various Commission rules permitting access to this band for a range of earth station application, including earth stations onboard vessels ("ESVs"), earth stations aboard aircraft ("ESAAs"), vehicle-mounted earth stations ("VMESs") and routinely licensed earth stations in connection with the Commission's inclusion of the Extended Ku-band frequencies in Permitted List authority. In addition, the particulars of uplink earth station operations, including transmit power levels, can be examined by the Commission in appropriate earth station applications seeking to operate in that band.

A completed FCC Form 312 is attached, including Schedule S and associated satellite information, to reflect operations in the 13.75-14.0 GHz and 11.45-11.7 GHz bands once E117WB assumes its orbital location at 117° W.L. The E117WB satellite's communications

¹² See *Part 25 Second Report & Order* at ¶249.

¹³ See, e.g., Telesat International Ltd., SAT-PPL-20160225-00020 (Telstar 19V).

¹⁴ See, e.g., Intelsat License LLC, File No. SES-LIC-20090529-00665 (Call Sign E090093) (authorizing a gateway earth station to communicate with the PAS-1R satellite in the 13.75-14.0 GHz and 11.45-12.2 GHz bands); SES Americom Inc., File No. SES-LIC-20130116-00054 (Call Sign E130012) (authorizing a gateway earth station to operate with certain U.S. and non-U.S. licensed satellite in the 13.75-14.0 GHz and 11.45-11.7 GHz bands).

payload has the capability to operate in these bands with FCC-licensed earth stations consistent with Commission rules and policies. Once the E117WB has reached its intended orbit location of 117° W.L. and completed in-orbit testing, it will be able to support earth station operations in the band. Eutelsat Americas understands there is existing demand for such operations and, for example, is working with an FCC earth station licensee to obtain an appropriate modification to its existing license to enable communication with E117WB using the 13.75-14.0 GHz band.

B. Eutelsat Americas seeks to change the registering nation of E117WB from Papua New Guinea to Mexico to reflect the current UN registration.

Condition 4 of the E117WB Market Access Grant notes that grant is based upon the assertion the Papua New Guinea will register the satellite and requests the applicant to submit written confirmation that appropriate registration documents have been filed with the United Nations Office of Outer Space Affairs, or to report the status of documentation preparation within six months of launch of the satellite.¹⁵ Eutelsat Americas reports, within six months of the E117WB launch date, that the satellite actually has been registered with the United Nations by Mexico (rather than Papua New Guinea).¹⁶

Although it was the original intention that E117WB be registered by Papua New Guinea, for various reasons it was ultimately decided that Mexico should be the registering administration for United Nations purposes.¹⁷ Registration of the E117WB satellite by Mexico does not affect the operation of the E117WB satellite or compliance with the operational

¹⁵ See *E117WB Market Access Grant* at Condition 4.

¹⁶ See Registration Exhibit, ST/SG/SER.E/767 (Aug. 16, 2016). Please note that this exhibit suggests that launch date in June 14, 2016 rather than June 15, 2016. While this date differential may be related to time zone differences, it does not affect the effectiveness of the registration by the government of Mexico.

¹⁷ Among other things, as a satellite operator based in Mexico, Eutelsat Americas holds some form authority from the government of Mexico for the satellites it operates, including E117WB.

conditions set forth in the E117WB Market Access Grant. Mexico is the registering administration with the United Nations Office of Outer Space Affairs for a number of satellites in the region and, as it has with many other satellites granted U.S. market access, will take responsibility for the space object under the Convention on Registration of Objects Launched into Outer Space and ensure compliance with the Commission's regulatory requirements.

The original E117WB Market Access Grant was based upon Papua New Guinea as the registering nation, but registration of E117WB by Mexico is fully consistent with the policy underlying Condition 4 of the grant that a national administration take responsibility for the satellite space object. Indeed, given the location of the satellite (near a slot assigned to Mexico in the U.S./Canada/Mexico Trilateral Agreement) and the general cooperation between the United States and Mexico with respect to access to orbital slots, satellite operations and related matters, registration of E117WB by Mexico is arguably superior that registration by a nation with fewer contacts with the United States. Accordingly, Eutelsat Americas respectfully requests that the Commission modify Condition 4 of the E117WB Market Access Grant to reflect the status of E117WB as a space object registered by Mexico with the United Nations.

IV. CONCLUSION

For the foregoing reasons, Eutelsat Americas respectfully requests that the 13.75-14.0 GHz and 11.45-11.7 GHz bands be added to the E117WB satellite's market access grant, and that Condition 4 of the market access grant be modified to reflect the registering nation of the satellite is Mexico.