

**\*\* GRANT IN PART / MARKET ACCESS IN 3600-3700 MHz, 5850-5925 MHz, AND 6491-6650 MHz FREQUENCY BANDS \*\***

**S2591 SAT-MPL-20130906-00114 IB2013001957**  
New Skies Satellites B.V.  
NSS-806



\*with conditions

File # SAT-MPL-20130906-00114

Call Sign S2591 Grant Date 02/04/14

(or other identifier)

From 02/04/14 Term Dates See To: conditions

Approved by OMB  
3060-0678

Approved: Stephen J. Duall

Stephen J. Duall  
Chief, Satellite Policy Branch

Date & Time Filed: Sep 6 2013 9:17:31:006PM  
File Number: SAT-MPL-20130906-00114

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:

NSS-806 (S2591) Mod Relocation to 47.5 WL (re-filed)

1-8. Legal Name of Applicant

<b>Name:</b>	New Skies Satellites B.V.	<b>Phone Number:</b>	202-478-7137
<b>DBA Name:</b>		<b>Fax Number:</b>	202-478-7101
<b>Street:</b>	1129 20th St. NW Suite 1000	<b>E-Mail:</b>	
<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20036 -
<b>Attention:</b>	Daniel Mah		

**New Skies Satellites B.V.**  
**IBFS File No. SAT-MPL-20130906-00114**  
**Call Sign S2591**  
**Attachment to Grant**

**Market Access Grant for NSS-806 at 47.5° W.L**

The petition of New Skies Satellites B.V. (New Skies), IBFS File No. SAT-MPL-20130906-00114, to access the U.S. market via the NSS-806 space station (Call Sign 2591) at the 47.5° W.L. orbital location using extended C-band frequencies is GRANTED.<sup>1</sup> NSS-806 is licensed by the Administration of the Netherlands. Specifically, New Skies is granted U.S. market access to use NSS-806 at 47.5° W.L. to provide Fixed-Satellite Service (FSS) in the extended C-band frequencies of 3600-3700 MHz (space-to-Earth), 5850-5925 MHz (Earth-to-space), and 6491-6650 MHz (Earth-to-space).<sup>2</sup> Communications between U.S.-licensed earth stations and the NSS-806 space station must be in accordance with the terms, conditions, and technical specifications contained in New Skies' petition, the Federal Communications Commission's rules not waived herein, and the following conditions:

1. Communications between U.S.-licensed earth stations and the NSS-806 satellite must be in accordance with the conditions contained in previous grants of U.S. market access.<sup>3</sup>
2. NSS-806 may not provide Direct-to-home (DTH), Direct Broadcast Satellite (DBS) or Digital Audio Radio Service (DARS) to, from, or within the United States using these frequency bands.
3. Communications between U.S.-licensed earth stations and the NSS-806 space station must comply with all existing and future space station coordination agreements reached between the Netherlands and other Administrations.
4. New Skies is granted a waiver of Section 25.210(j) of the Commission's rules, 47 C.F.R. § 25.210(j). Section 25.210(j) requires geostationary space stations to be "be maintained within 0.05° of their assigned orbital longitude in the east/west direction, unless specifically authorized by the Commission to operate with a different longitudinal tolerance." New Skies proposes to operate NSS-806 at the 47.5° W.L. orbital location with an east-west station-keeping tolerance of +/-0.1 degrees. New Skies states that NSS-806's stationkeeping volume will not overlap with that of any other spacecraft, and that allowing NSS-806 to be maintained within an increased stationkeeping volume will not harm other operators. Finally, New Skies states that allowing NSS-806 to flown with an expanded east-west stationkeeping allowance will help conserve fuel for the spacecraft. This waiver and the operations it permits shall terminate in the event that another spacecraft is launched into a location such that its station-keeping volume would overlap

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<sup>1</sup> The petition was placed on Public Notice as accepted for filing on September 13, 2013. *Policy Branch Information, Satellite Space Applications Accepted for Filing*, Public Notice, Report No. SAT-00971 (Sept. 13, 2013).

<sup>2</sup> We also grant New Skies' request that the Part 25 technical rules that were waived as part of prior grants of U.S. market access by the NSS-806 satellite at 40.5° W.L. continue to be waived for operations of NSS-806 at the 47.5° W.L. orbital location: Sections 25.202(g), 25.210(a)(1) and (3), 25.211(a), 25.114(d)(14)(ii), and 25.283(c). See *New Skies Satellites N.V., Order*, DA 01-513, 16 FCC Rcd 6740 (Sat. Div., rel. Mar. 29, 2001) ("2001 Grant"), as modified by File No. SAT-MPL-20110923-00187, grant stamp dated June 28, 2012 ("2012 Grant"). NSS-806 is capable of operating in bands below 3600 MHz, but New Skies does not seek U.S. market access in such band as part of its petition. See Legal Narrative at 1 n.2, Technical Appendix at 1-2 n1.

<sup>3</sup> See *2001 Grant* and *2012 Grant*, *supra* note 2.

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NSS-806's +/-0.1 degree station-keeping volume, but would not overlap NSS-806's +/-0.05 degree station-keeping volume, unless New Skies has successfully coordinated NSS-806's physical operations with those of the other spacecraft. Further, this waiver is limited to this spacecraft, does not extend to any replacement satellites, and is limited to operations at the 47.5° W.L. orbital location.

5. Earth station operators in the United States seeking to access NSS-806 to provide services in the 3600-3700 MHz (space-to-Earth), 5850-5925 MHz (space-to-Earth), and 6491-6650 MHz (Earth-to-space) frequency bands may do so only after obtaining an earth station license that includes the NSS-806 space station as an authorized point of communication in these extended C-band frequencies, or after modifying an existing earth station license to add the NSS-806 space station as an authorized point of communication in these extended C-band frequencies.

6. Communications between U.S.-licensed earth stations and NSS-806 in the 3600-3650 MHz (space-to-Earth) band are subject to footnote US245 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US245, which states that the use of the non-Federal Fixed-Satellite Service in the 3600-3650 MHz band is limited to international inter-continental systems and is subject to case-by-case electromagnetic compatibility analysis.

7. Communications between U.S.-licensed earth stations and NSS-806 in the 3650-3700 MHz (space-to-Earth) band are subject to footnote NG185 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, NG185, which states that the use of the non-Federal Fixed-Satellite Service in the 3650-3700 MHz band is limited to international inter-continental systems.

8. Communications between U.S.-licensed earth stations and NSS-806 in the 3650-3700 MHz (space-to-Earth) band are subject to footnote NG169 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, NG169, which states that after December 1, 2000, operations on a primary basis by the Fixed-Satellite Service (space-to-Earth) in the 3650-3700 MHz band shall be limited to grandfathered earth stations. All other Fixed-Satellite Service earth station operations in the 3650 – 3700 MHz band shall be on a secondary basis.

9. Communications between U.S.-licensed earth stations and NSS-806 in the 5850-5925 MHz (Earth-to-space) band must comply with the terms of Footnote US245 to the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106, US245, and Section 2.108 of the Commission's rules, 47 C.F.R. § 2.108, which states that the use of the non-Federal Fixed-Satellite Service in the 5850-5925 MHz band is limited to international, intercontinental satellite systems and is subject to case-by-case electromagnetic compatibility analysis. As a condition of U.S. market access, New Skies and operators U.S.-licensed earth stations must not claim protection from radiolocation transmitting stations operating in accordance with footnote G2.<sup>4</sup>

10. New Skies is directed to bear in mind the needs of the passive services when operating the NSS-806 space station in the 6491-6650 MHz (Earth-to-space) frequency band pursuant to footnote 5.458 to the United States Table of Frequency Allocations, 47 C.F.R. §2.106, 5.458.

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<sup>4</sup> For technical information of these radiolocation systems, see NTIA Report 83-115, Spectrum Resource Assessment in the 5650-5925 MHz Band, and NTIA Report 00-373, Measured Occupancy of 5850-5925 MHz and Adjacent 5-GHz Spectrum in the United States at <http://www.its.bldrdoc.gov/pub/pubs.php>.

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11. New Skies must comply with the power levels specified in Section 25.212 of the Commission's rules, 47 C.F.R. § 25.212, unless New Skies 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. New Skies must inform the Commission of the power levels it has coordinated. In addition, New Skies 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. In any event, for operations of NSS-806 to, from, or within the United States, the input power density of the uplink digital carriers of earth stations operating with NSS-806's digital carriers must not exceed -38.7 dBW/Hz and the downlink EIRP density of NSS-806's digital carriers must not exceed -29.4 dBW/Hz for the C-band.

12. This grant of market access will terminate in the event that the NSS-806 space station is relocated from the 47.5° W.L. W.L. orbital location or ceases to operate.

13. New Skies is afforded 30 days from the date of release of this action to decline this grant of market access as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.

14. 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 immediately. Petitions for reconsideration under Section 1.106 of the Commission's rules or applications for reconsideration 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 public notice indicating that this action was taken.

**\*\*GRANT IN PART / MARKET ACCESS IN 3600-3700 MHz, 5850-5925 MHz, AND 6491-6650 MHz FREQUENCY BANDS\*\***



**File #** SAT-MPL-20130906-00114  
**Call Sign** S2591 **Grant Date** 02/04/14  
(or other identifier)  
**Term Dates** see  
**From** 02/04/14 **To:** conditions  
**Approved:** Stephen J. Duall

*Stephen J. Duall*  
Stephen J. Duall  
Chief, Satellite Policy Branch

9-16. Name of Contact Representative

<b>Name:</b>	Karis A. Hastings	<b>Phone Number:</b>	202-599-0975
<b>Company:</b>	SatCom Law LLC	<b>Fax Number:</b>	
<b>Street:</b>	1317 F St. NW Suite 400	<b>E-Mail:</b>	karis@satcomlaw.com
<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20004-
<b>Attention:</b>	Karis A. Hastings	<b>Relationship:</b>	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
- b3. Amendment to a Pending Application
- b4. Modification of License or Registration
- b5. Assignment of License or Registration
- b6. Transfer of Control of License or Registration
- 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)
- (N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States
- (N/A) b12. Application for Database Entry
- b13. Amendment to a Pending Database Entry Application
- b14. Modification of Database Entry

<p>17c. Is a fee submitted with this application?</p> <p><input type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).</p> <p><input type="radio"/> Governmental Entity    <input type="radio"/> Noncommercial educational licensee</p> <p><input checked="" type="radio"/> Other (please explain): No fee applies to modifications to permitted list applications</p>	
<p>17d.</p> <p>Fee Classification</p>	
<p>18. If this filing is in reference to an existing station, enter:</p> <p>(a) Call sign of station: S2591</p>	<p>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:</p> <p>(a) Date pending application was filed:                      (b) File number:  SATMPL2011092300187</p>

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:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify)

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier     Non-Common Carrier

22. If earth station applicant, check all that apply.

- Using U.S. licensed satellites  
 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:

- Connected to a Public Switched Network     Not connected to a Public Switched Network     N/A

24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz)     b. Ku-Band (12/14 GHz)  
 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 checked="" type="radio"/> No <input type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input 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 checked="" type="radio"/> Yes <input type="radio"/> No <input 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. Exhibit A

**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.

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

<p>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.</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>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</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>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.</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>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.</p>	

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? The Netherlands

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.)

New Skies Satellites B.V. requests modification of the terms of U.S. market access for NSS-806 to relocate the spacecraft to 47.5 deg. W.L. and authorize flexibility to repoint the satellite's steerable Ku-band spot beam.

Narr and Tech App

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

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  
Daniel C.H. Mah

46. Title of Person Signing  
Regulatory Counsel

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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).

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