

✱ ✱ RE-ISSUE OF MARKET ACCESS CONDITIONS AFTER RELOCATION UNDER 25.117(h)(1) ✱ ✱

S2950 SAT-MPL-20170108-00002 IB2017000045
New Skies Satellites B.V.
SES-10



File # SAT-MPL-20170108-00002
Call Sign S2950 ^{REISSUE} Grant Date 03/22/17
(or other identifier)
From 03/10/17 Term Dates see To: conditions
Approved: Stephen J. Duall

Approved by OMB
3060-0678

Date & Time Filed: Jan 8 2017 8:33:40:043PM
File Number: SAT-MPL-20170108-00002

**with conditions

Stephen J. Duall
Chief, Satellite Policy Branch

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:
Request to Modify U.S. Market Access Grant for SES-10 to Specify Operation at 66.9 W.L.

1-8. Legal Name of Applicant

Name:	New Skies Satellites B.V.	Phone Number:	202-478-7143
DBA Name:		Fax Number:	202-478-7111
Street:	1129 20th St. NW Suite 1000	E-Mail:	
City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -
Attention:	Ms Petra A. Vorwig		

**ATTACHMENT TO GRANT
IBFS File No. SAT-MPL-20170108-00002**

IBFS File No(s):	SAT-MPL-20170108-00002	<p align="center">GRANTED – With Conditions</p>  <p align="center">International Bureau Satellite Division</p>
Licensee/Grantee:	New Skies Satellite B.V. (New Skies)	
Call Sign:	S2950	
Satellite Name:	SES-10	
Orbital Location: (required station-keeping tolerance)	66.9° W.L. (+/- 0.05 degrees east/west)	
Administration:	Columbia	
Nature of Service:	Fixed-Satellite Service (FSS), Direct-to-Home (DTH)	
Scope of Grant:	Reissue of SES-10 market access grant to specify operations at 66.9° W.L., an offset of 0.10° from the 67.0° W.L. orbital location specified in the previous grant, in accordance with Section 25.117(h)(1)	
Service Area(s):	See Schedule S at Item S6 and accompanying GIMS file in IBFS File No. SAT-PPL-20160117-0005	
Frequencies:	10.95-11.2 GHz band (space-to-Earth) 11.45-11.7 GHz band (space-to-Earth) 11.7-12.2 GHz band (space-to-Earth) 13.75-14.0 GHz band (Earth-to-space) 14.0-14.5 GHz band (Earth-to-space) 17.3-17.55 GHz band (Earth-to-space) 11703.5 MHz, 12196.5 MHz (space-to-Earth) 11702.5 MHz and 12197.5 MHz (space-to-Earth) 14005.0 MHz, 14499.0 MHz, and 13751.5 MHz Ku-band (Earth-to-space)	
<p>Operations under this grant must comport with the legal and technical specifications set forth by the applicant or petitioner and with Federal Communication Commission’s rules not waived herein. This grant is also subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Communications between U.S.-licensed earth stations and the SES-10 space station must comply with all existing and future space station coordination agreements reached between Colombia and other administrations. 2. New Skies must maintain its SES-10 space station with an east/west longitudinal station-keeping tolerance of ± 0.05 degrees of the 66.9° W.L. orbital location. 3. New Skies’ request for waiver of footnote NG52 of the United States Table of Allocations, 47 C.F.R. § 2.106, NG52, to use the 10.7-11.7 GHz (space-to-Earth) frequency band to offer domestic services on an unprotected, non-interference basis in the United States is GRANTED, as conditioned. New Skies’ request involves space-to-Earth transmissions that meet the power-flux-density (pfd) on the ground required to protect fixed-service stations in the 10.95-11.20 GHz (space-to-Earth) and 11.45-11.70 GHz (space-to-Earth) frequency bands.¹ New Skies’ has agreed to accept any level of interference from fixed stations, and operators of fixed stations will not be required to coordinate their operations with New Skies’ receive earth stations.² Under these circumstances, we determine that no additional coordination 		

¹ See 47 CFR § 25.208(b).

² See Petition at 12-13.

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burden is placed upon fixed station operators and their ability to expand service in the future would not be restricted in any manner.³ Grant here is consistent with prior Commission precedent,⁴ and is subject to the following conditions:

- a. New Skies' space-to-Earth transmissions in the 10.7-11.7 GHz (space-to-Earth) frequency band that provide domestic service are on an unprotected, non-harmful interference basis relative to fixed stations. As such, New Skies must not cause harmful interference to, or claim protection from, fixed stations to which frequencies in the 10.7-11.7 GHz (space-to-Earth) frequency band have either been already assigned, or to which frequencies in the 10.7-11.7 GHz (space-to-Earth) frequency band may be assigned at a later date.
 - b. New Skies is required to inform its customers, in writing, including end-users receiving service from resellers accessing capacity on the SES-10 space station, that the service in the 10.7-11.7 GHz (space-to-Earth) frequency band with regard to domestic service is being provided on an unprotected basis, and that the potential exists that future licensed fixed stations may cause harmful interference to these earth stations.
 - c. New Skies must terminate operations in the 10.7-11.7 GHz (space-to-Earth) frequency band upon notification that its operations are causing interference to fixed stations operating in this band, and must immediately inform the Commission, in writing, of such an event.
4. New Skies' use of the 10.7-11.7 GHz (space-to-Earth) frequency band is subject to footnote US211 to the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US211, which urges applicants for airborne or space station assignments to take all practicable steps to protect radio astronomy observations in the adjacent bands from harmful interference, consistent with footnote US74.
 5. New Skies' request for waiver of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, including a waiver of footnote US271 to Section 2.106, to provide FSS to the United States and its territories using the 17.3-17.55 GHz (Earth-to-space) frequency band on a non-interference, non-protected basis, is GRANTED. Such operations shall be on a non-interference and non-protected basis within the United States and its territories located within ITU Region 2. Waiver is justified because FSS operations in these bands are consistent with No. 5.492 of the ITU Radio Regulations and the nearest operational BSS feederlinks are 5.4° away at the nominal 61.5° W.L.⁵
 6. Pursuant to footnote US337 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US337, any earth station in the United States and its possessions communicating with the SES-10 space station in the 13.75-14.0 GHz (Earth-to-space) frequency band is required to coordinate through National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee (IRAC) Frequency Assignment Subcommittee (FAS) to minimize interference to the National Aeronautics and Space Administration (NASA) Tracking and Data Relay Satellite System, including manned space flight.
 7. Operations of any earth station in the United States and its possessions communicating with the SES-10 space station in the 13.75-14.0 GHz (Earth-to-space) frequency band must comply with footnote US356

³ *PanAmSat Licensee Corp. Application for Authority to Use the Extended Ku-Band Frequencies for Domestic Service*, Order and Authorization, 20 FCC Rcd 14642, 14646 (Sat. Div., Int'l Bur., 2005).

⁴ For example, the Intelsat 29e space station, which is currently authorized to operate at 50.0° W.L, has a waiver of footnote NG52 for the 10.95-11.2 and 11.45-11.7 GHz frequency bands portion of the Ku-band as a condition of its current authorization. *See Policy Branch Information: Action Taken*, Public Notice, Report No. SAT-01086 (IBFS File No. SAT-LOA-20130722-00097, as amended by IBFS File No. SAT-AMD-20140718-00087 (May 22, 2015).

⁵ The waiver of Section 25.210(i)(1) of the Commission's rules, 47 CFR § 25.210(i)(1), which we granted for SES-10 in IBFS File No. SAT-PPL-20160117-0005, is moot. This rule was eliminated as part of the Commission-level order streamlining Part 25 rules governing satellite communications. *See Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713, 14816-17, paras. 331-333 (2015).

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to United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US356, which specifies a mandatory minimum antenna diameter of 4.5 meters and a non-mandatory minimum and maximum equivalent isotropically radiated powers (EIRP). Operations of any earth station located outside the United States and its possessions communicating with the SES-10 space station in the 13.75-14.0 GHz (Earth-to-space) frequency band must be consistent with No. 5.502 to the ITU Radio Regulations, which allows a minimum antenna diameter of 1.2 meters for earth stations of a geostationary satellite orbit network and specifies mandatory power limits.

8. In the 13.75-14.0 GHz (Earth-to-space) frequency band, receiving space stations in the fixed satellite service must not claim protection from radiolocation transmitting stations operating in accordance with the United States Table of Frequency Allocations, 47 C.F.R. § 2.106.
9. Operations of any earth station in the United States and its possessions communicating with the SES-10 space station in the 13.77-13.78 GHz (Earth-to-space) frequency band must comply with footnote US357 to United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US357, which specifies that the maximum EIRP density of emissions not exceed 71 dBW in any 6 MHz band within the 13.77-13.78 GHz (Earth-to-space) frequency band for communications with a space station in geostationary-satellite orbit.⁶ Operations of any earth station located outside the United States and its possessions communicating with the SES-10 space station in the 13.77-13.78 GHz (Earth-to-space) frequency band must comply with No. 5.503 of the ITU Radio Regulations, which specifies a required maximum EIRP density of emissions (limit is dependent on antenna diameter) for communications with a space station in geostationary-satellite orbit.
10. Operations of SES-10 in the 14.47-14.5 GHz (Earth-to-space) frequency bands are subject to the terms of footnotes 5.149 and US342 to the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, 5.149, US342, which urge applicants to take all practicable steps to protect the radio astronomy service from harmful interference.
11. Earth station operators in the United States seeking access to SES-10 for direct-to-home services may do so only after obtaining an earth station license that includes authority to provide direct-to-home services via the SES-10 space station, or after modifying an existing earth station license to include authority to provide direct-to-home services via the SES-10 space station.⁷
12. The operations of SES-10 and associated earth stations must comport with the applicable uplink limits in 47 C.F.R. §§ 25.138, 25.211, 25.218, 25.221, 25.222, 25.226, and/or 25.227 of the Commission's rules, and the applicable downlink limits in 47 C.F.R. §§ 25.138 and/or 25.212 of the Commission's rules, unless SES coordinates any non-conforming operations with the operations of U.S.-licensed geostationary orbit space stations within 6 degrees of the 66.9° W.L. orbital location. SES must also comport with the maximum power limits indicated in Section 6 of this application. Non-conforming operation must also be coordinated with respect to those operations of non-U.S.-licensed space stations within 6 degrees of 66.9° W.L. involving approved communications with U.S.-licensed earth stations.
13. SES-10 is a replacement for the AMC-3 and AMC-4 space stations (Call Signs S2162 and S2135, respectively) at the 66.9° W.L. location in the 11.7-12.2 GHz (space-to-Earth), 14.0-14.5 GHz (Earth-to-

⁶ Footnote US357 places a restriction on FSS earth station operations in order to protect government operations in the band, including manned space flight. 47 CFR § 2.106, US357.

⁷ As part of the changes to the *Part 25 Streamlining Second R&O*, the Commission expanded the definition of the Permitted Space Station List to include all GSO FSS space stations licensed or granted U.S. market access in bands with routine licensing criteria for earth stations. Those bands are the extended and conventional C-bands, the extended and conventional Ku-bands, the conventional Ka-band, and the 24.75-25.25 GHz band. As a result, once the rules are effective, operators of receive-only earth stations will no longer need to apply for a license for the extended C- and Ku-bands. *See Part 25 Second Report and Order*, 30 FCC Rcd at 14794-96, paras. 247-251; *see also* 47 CFR § 25.131(j)(2) (stating, in part, that operators of receive-only earth stations receiving transmissions from non-U.S.-licensed space stations on the Permitted Space Station List do not need to file for a license).

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space), 11.45-11.7 GHz (space-to-Earth) (AMC-4), and 13.75-14.0 GHz (Earth-to-space) (AMC-4) frequency bands. SES-10 must begin providing service to the United States at the 66.9° W.L. orbital location in the 11.7-12.2 GHz (space-to-Earth), 14.0-14.5 GHz (Earth-to-space), 11.45-11.7 GHz (space-to-Earth), and 13.75-14.0 GHz (Earth-to-space) frequency bands before the AMC-3 and AMC-4 discontinue service at 66.9° W.L. Failure to meet this condition shall render this grant of market access in the 11.7-12.2 GHz (space-to-Earth), 14.0-14.5 GHz (Earth-to-space), 11.45-11.7 GHz (space-to-Earth), and 13.75-14.0 GHz (Earth-to-space) frequency bands NULL and VOID, with no further action on the Commission's part.

14. This grant of market access for the SES-10 space station in the 10.95-11.2 GHz (Earth-to-space) and 17.3-17.55 GHz (Earth-to-space) frequency bands will be null and void with no further action on the Commission's part if the space station is not constructed, deployed, and placed into operation in accordance with the milestone schedule in Section 25.164 and the bond requirement in Section 25.165 of the Commission's rules following the date of grant as follows:
- a. New Skies must file a bond with the Commission in the amount of \$3 million, pursuant to the procedures set forth in 47 C.F.R. § 25.165, within 30 days of this grant of U.S. market access (July 25, 2016);
 - b. Enter into a binding non-contingent contract to construct SES-10 within one year (June 23, 2017);
 - c. Complete critical design review within two years (June 25, 2018);
 - d. Commence construction within three years (June 24, 2019);
 - e. Launch and begin operations within five years (June 23, 2021).
15. This grant of market access will terminate in the event that the SES-10 space station is relocated from the 66.9° W.L. orbital location or ceases to operate. In either case, SES-10 will be removed from the Permitted List. If New Skies wishes to provide service to the U.S. using another space station, it must file a new application to have that space station placed on the Permitted List.

Licensee/grantee is afforded thirty (30) days from the date of release of this action to decline the grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.

This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.

Station licenses are subject to the conditions specified in Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(h).

Action Date:	March 22, 2017	
Term Dates	From: March 10, 2017	To: see conditions

Approved:

Stephen J. Duall
Chief, Satellite Policy Branch

9-16. Name of Contact Representative

Name:	Karis Hastings	Phone Number:	202-599-0975
Company:	SatCom Law LLC	Fax Number:	
Street:	1317 F St, NW Suite 400	E-Mail:	karis@satcomlaw.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20004-
Attention:		Relationship:	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

17c. Is a fee submitted with this application?

If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

Governmental Entity Noncommercial educational licensee

Other (please explain): Modification of Market Access Does Not Require a Fee

17d.

Fee Classification BFY – Space Station Modification (Geostationary)

18. If this filing is in reference to an existing station, enter:

(a) Call sign of station:
S2950

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:

(a) Date pending application was filed: (b) File number:

SATPPL2016011700005

TYPE OF SERVICE

<p>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:</p> <p><input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input checked="" type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)</p>	
<p>21. STATUS: Choose the button next to the applicable status. Choose only one.</p> <p><input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier</p>	<p>22. If earth station applicant, check all that apply.</p> <p><input type="checkbox"/> Using U.S. licensed satellites <input type="checkbox"/> Using Non-U.S. licensed satellites</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:</p> <p><input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A</p>	
<p>24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).</p> <p><input type="checkbox"/> a. C-Band (4/6 GHz) <input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz) <input checked="" type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: Frequency Upper: (Please specify additional frequencies in an attachment)</p>	

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?
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes No

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

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.

Yes No

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

Yes No

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.

Yes No

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.

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? Colombia

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. seeks to modify the terms of its U.S. market access grant for the SES-10 fixed-satellite space station to specify operation at 66.9 W.L., an offset of 0.1 degrees from the 67.0 W.L. position specified in the grant.

Narrative

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
Petra A. Vorwig

→

46. Title of Person Signing
Senior Legal & Regulatory Counsel

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).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.