

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

ARC
PROFESSIONAL
SERVICES GROUP, INC. File No. 19-DSS-MISC-90

For Authority To Operate a Communications
Satellite Providing Domestic Fixed Service
at 62° W.L. on a Temporary Basis

ORDER AND AUTHORIZATION

Adopted: August 24, 1990; Released: September 4, 1990

By the Deputy Chief, Common Carrier Bureau:

I. INTRODUCTION

1. ARC Professional Services Group, Inc. (ARC) has applied for authority to operate on a temporary basis the commercial C-band transponders on the TDRS-5 spacecraft, which is owned by Space Communications Company (Spacecom). No comments or oppositions were filed with respect to ARC's application. For the reasons discussed below, ARC's application is granted subject to certain conditions.

2. The tracking and data relay satellite (TDRS) system was developed by NASA to provide it with communications and data relay services in frequencies allocated for government use. The system is to consist of seven satellites, three of which are launched. Two of these, which are located at 41° W.L. and 171° W.L., are operational; the third, which is located at 79° W.L., is an in-orbit spare. Each of the TDRS satellites also contains twelve transponders capable of operating on commercial C-band frequencies.

3. In 1983, ARC's predecessor, Systematics General Corporation (SGC), initially applied for authority to provide domestic commercial service using the C-band transponders on two TDRS satellites.¹ The Commission denied these requests because the TDRS satellites did not meet the technical requirements for domestic fixed-satellites.² The Commission indicated, however, that it would be willing to grant SGC temporary authority to operate the C-band transponders on the satellites until those locations were needed by the C-band satellite licensees to which they were regularly assigned.³ The Bureau subsequently authorized SGC to provide domestic communications service to NASA via the TDRS satellites located at 41° W.L. and 62° W.L. until those locations were ready to be occupied by the regularly assigned licensee.⁴ The TDRS satellite intended to be launched into 62° W.L. was instead launched into 79° W.L., and is not operating on C-band frequencies.

4. ARC now seeks temporary authority to use the C-band capacity on the TDRS-5 satellite, which is to be launched into 62° W.L. in January 1991, to provide do-

mestic service to NASA. TDRS-5 is to replace the TDRS satellite currently operating at 79° W.L., which is nearing its end-of-service life. ARC states that while Spacecom, as the owner of the satellite, will be responsible for tracking, telemetry and control of the spacecraft, ARC will retain exclusive responsibility for the operation and control of the C-band transponders. ARC submits that grant of its request will allow it to make use of spectrum that would otherwise be unused, without prejudice to any party, and will allow it to provide NASA with a needed communications service. It also states that the substantial expenditure of public funds used to build the system will be wasted if the C-band transponders cannot be used.

II. DISCUSSION

5. Grant of ARC's request will serve the public interest, convenience, necessity. The Commission has previously allowed ARC to provide service to NASA using the C-band portion of the TDRS satellite that was to be located at 62° W.L., and the same considerations are involved here. TDRS-5 will be launched to provide government communications services regardless of our disposition of ARC's request. We see no reason to prevent ARC from using the C-band capacity of this satellite to serve NASA. No other domestic fixed-satellite licensee has sought to launch a more efficient satellite into that location. Moreover, no comments or objections have been filed with respect to ARC's request. Under these circumstances, denial of ARC's request would result in inefficient spectrum use and wasted in-orbit satellite capacity. However, as ARC acknowledges, ARC must cease operations on TDRS-5 not later than the date on which that location is to be occupied by the C-band satellite regularly assigned to that location, even if TDRS-5 has not exhausted its operational capability.

6. Accordingly, IT IS ORDERED, pursuant to Section 0.291 of the Commission's rules on delegations of authority, that Application File No. 19-DSS-MISC-90 IS GRANTED and ARC Professional Services Group, Inc. IS AUTHORIZED to operate the C-band transponders on TDRS-5 at 62° W.L. to provide domestic communications services to NASA subject to the following conditions:

(a) This authorization is subject to change in any of its terms or to cancellation in its entirety at any time upon reasonable notice, but without hearing, if, in the opinion of the Commission, circumstances should so require;

(b) this authorization will automatically terminate on the date on which 62° W.L. is ready to be occupied by a satellite licensee to which it is regularly assigned;

(c) no harmful interference shall be caused to any other regularly licensed U.S. national satellite facility or international satellite facility, and operation by ARC Professional Services Group shall cease immediately upon notification of interference;

(d) these C-band transponders may be used to provide domestic communications service to NASA and other governmental agencies only; and

(e) domestic operations are subject to the completion of appropriate international coordination procedures.

7. ARC Professional Services Group, Inc. is afforded thirty days from the date of the release of this order to decline this authorization as conditioned. Failure to respond within this time period will constitute formal acceptance of this authorization as conditioned.

FEDERAL COMMUNICATIONS COMMISSION

Gerald P. Vaughan
Deputy Chief, Operations
Common Carrier Bureau

FOOTNOTES

¹ The SGC authorizations were later transferred to ORI, Inc. ORI, Inc. was then restructured into ARC Professional Services Group, Inc.

² Systematics General Corporation, 103 FCC 2d 879 (1985).

³ *Id.* at para. 9.

⁴ Systematics General Corporation, 2 FCC Rcd 7550 (1987).