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June 26, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA HAND DELIVERY**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Ex Parte Presentation in File No. SAT-PDR-20000420-00083  
Petition of Telesat Canada for Inclusion of Anik F-1 on the  
Permitted Space Station List**

Dear Ms. Salas:

Pursuant to Sections 1.2000 and 1.2006 of the FCC's Rules, Telesat Canada ("Telesat") files this letter to clarify the record in the above-referenced proceeding, in which Telesat seeks inclusion of Anik F1 at 107.3 degrees W.L. on the FCC's Permitted Space Station List.<sup>1</sup>

**Background**

Telesat seeks to offer U.S. earth stations service from Anik F1, a state-of-the-art hybrid C/Ku-band satellite to be located in the 107.3 degrees W.L. orbital location. Pursuant to the procedure established in the *DISCO II First Reconsideration Order*,<sup>2</sup> Telesat filed a petition for

<sup>1</sup> This proceeding is treated as "permit-but-disclose." Satellite Policy Branch Information, Applications Accepted for Filing, Report No. SAT-00043 (May 24, 2000) (Public Notice).

<sup>2</sup> See *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, 15 FCC Rcd 7207 (1999).

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declaratory ruling for inclusion of Anik F1 on the agency's Permitted Space Station List and the Commission placed Telesat's petition on public notice.<sup>3</sup>

Only New Skies Satellites N.V. ("New Skies") commented on Telesat's petition. New Skies requested that the Commission "defer any action on Telesat's petition" until Telesat brings Anik F1 into compliance with the agency's two degree spacing policy.<sup>4</sup> As Telesat has made clear in its Reply filed June 14, 2000, that deferral would be inappropriate because Anik F1 already satisfies the FCC's two degree spacing policy.

In an ex parte letter filed June 19, 2000 ostensibly to "avoid any misimpression," New Skies erroneously clouded Anik F1's clear compliance with the FCC's satellite spacing policy by asserting that Telesat's coordination with a non-co-coverage satellite 1.9 degrees away is "irrelevant" to Anik F-1's two degree compliance.<sup>5</sup> As explained below, this assertion is based on incorrect assumptions, and as a result is erroneous and misleading. New Skies' intervention should therefore be rejected.

In addition, New Skies misread statements made by Telesat, apparently equating the terms "co-location" with "co-coverage".<sup>6</sup> Contrary to New Skies' claims, Telesat has not said that New Skies seeks to operate a co-coverage Ku-band satellite with Gstar-4 at 105 degrees W.L.

### **Corrections to New Skies letter**

New Skies' ex parte letter, to which this letter responds, focuses on Telesat's coordination of Anik F1 at 107.3 degrees W.L. with Solidaridad I at 109.2 degrees W.L.

First, New Skies states that "Telesat ...inappropriately cites its coordination with Satmex's Solidaridad 1 satellite... as proof that Anik F-1 meets the Commission's two-degree

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<sup>3</sup> See note 1, *supra*.

<sup>4</sup> Comments of New Skies Satellites N.V., File No. SAT-PDR-20000420-0083, at 1, 4-5 (June 9, 2000).

<sup>5</sup> Ex Parte Letter of William M. Wiltshire, Counsel for New Skies Satellites N.V., at 1-2 (June 19, 2000) ("New Skies Ex Parte").

<sup>6</sup> Compare New Skies Ex Parte, at 1 n.1 ("Contrary to Telesat's assertion, New Skies does not believe it will be able to operate co-frequency and co-coverage with the Gstar-4 Ku-band satellite located at 105 degrees W.L.") with Telesat Reply, at 2 n.3 ("New Skies believes that it will be able to operate co-frequency, co-location with the Gstar-4 Ku-Band satellite at 105 degrees W.L.").

operating requirements”<sup>7</sup> and adds “However, this demonstration is irrelevant and misleading to Anik F-1’s two-degree compliance because the Solidaridad 1 satellite uses C-band beams shaped to provide service primarily to the Mexican territory, not to all of CONUS. The proper test is whether Telesat has shown that its satellite is compatible, in a two-degree environment, with providing co-coverage, co-frequency, full CONUS satellites.”<sup>8</sup>

In making the above assertions concerning the coordination of Anik F1 with Satmex satellites, New Skies considered only Solidaridad 1, which has coverage only partially overlapping that of Anik F1, to challenge Anik F1’s two degree compliance. However, New Skies’ information is incomplete and its conclusions incorrect. In fact, Telesat’s coordination agreement with Satmex includes not only the Solidaridad I satellite now operating at 109.2 degrees W.L. but also Satmex’s future satellite in that location. The coordination agreement covering Anik F1 and the Mexican satellites at 109.2 degrees is for full CONUS coverage by both satellites. Indeed, the agreement is precisely for co-coverage, co-frequency full CONUS operation at C-band for both Anik F1 and the Mexican satellites, which are separated by 1.9 degrees.<sup>9</sup> Therefore, by New Skies own “proper test”, quoted above, Anik F1 is two degree compliant.

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<sup>7</sup> New Skies Ex Parte, at 1.

<sup>8</sup> New Skies Ex Parte, at 2.

<sup>9</sup> Although the coordination agreement among Mexican and Canadian satellite operators is confidential to the signatories, the attached non-confidential notice makes it clear that the agreement covers orbital positions generally and not solely the incumbent satellites. *See* attached Non Confidential Notice at ¶ 1 (“The agreement covers the Mexican and Canadian orbital *positions*. . . .”) (emphasis added).

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Accordingly, New Skies' intervention is unworkable and should be rejected. Telesat respectfully requests the Commission to grant promptly its petition for inclusion of Anik F1 on the List. Should you have any questions concerning this request, please do not hesitate to contact the undersigned.

Respectfully requested,

TELESAT CANADA

By: 

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cc: Attached Service List

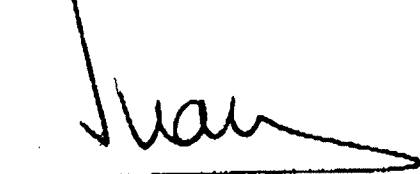
## NON CONFIDENTIAL NOTICE

Satmex of Mexico, Telesat Canada, and Industry Canada (representing possible future Canadian satellite operators other than Telesat) have reached a satellite coordination agreement. The agreement covers the Mexican and Canadian orbital positions within the Canada/Mexico/USA C and Ku,band Trilateral Arrangement, namely 109.2°, 113.0°, 116.8°WL for Mexico and 107.3°, 111.1°, 114.9°, and 118.7° WL for Canada.

This agreement represents the spirit of cooperation and goodwill between Mexican and Canadian satellite operators, and will facilitate the introduction of new technologies and continued high quality satellite communications in both countries.

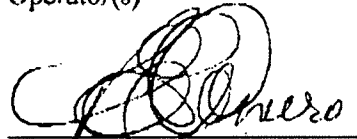
Signed in Istanbul on May 31st, 2000.

BY SATMEX



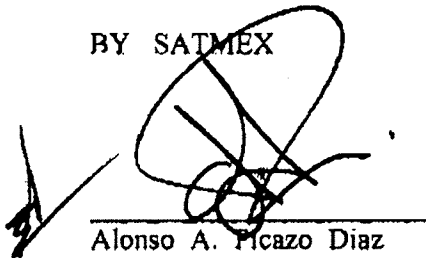
Juan Ramirez Marin  
Director, Legal Affairs

BY INDUSTRY CANADA  
On behalf of future Canadian  
Operator(s)



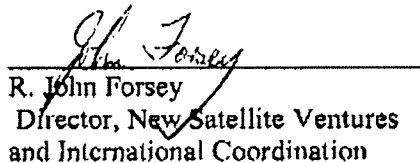
Ronald Amuro  
Director, Space and International  
Regulatory Activities  
On behalf of future Canadian  
operator(s)

BY SATMEX



Alonso A. Picazo Diaz  
Director, Regulatory Branch

BY TELESAT



R. John Forsey  
Director, New Satellite Ventures  
and International Coordination

CERTIFICATE OF SERVICE

I hereby certify that on this 26<sup>th</sup> day of June, 2000, I caused copies of the foregoing **Ex**

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