

ORIGINAL

HARRIS,
WILTSHIRE &
GRANNIS LLP

1200 EIGHTEENTH STREET, NW
WASHINGTON, DC 20036

TEL 202.730.1300 FAX 202.730.1301
WWW.HARRISWILTSHIRE.COM

ATTORNEYS AT LAW

June 19, 2000

BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, DC 20554

Received

JUN 21 2000

Satellite Policy Branch
International Bureau

RECEIVED

JUN 19 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Dear Ms. Salas:

In the above-referenced proceeding, New Skies Satellites N.V. ("New Skies") requested that the Commission defer action on the request by Telesat Canada to add the Anik F-1 satellite to the Permitted Space Station List (the "List") until the satellite has been brought into compliance with the Commission's two-degree spacing policy, and coordinated with New Skies' satellite to be located at 105° W.L. This letter responds to the Reply filed by Telesat on June 14, 2000 in order to avoid any misimpression that might arise from some of the information contained therein.

Telesat's Reply is misleading. The simple fact is that Anik F-1 would seriously degrade the quality of C-band full-CONUS service that could be provided using any satellite located two degrees (or even more) away, including New Skies' planned satellite.¹ Telesat has provided no evidence to the contrary, but rather inappropriately cites its coordination with Satmex's Solidaridad I satellite located at 109.2° W.L., 1.9° away from Telesat's 107.3° W.L. orbital location, as proof that Anik F-1 meets the Commission's two-degree operating requirements.²

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° W.L. See Reply at p. 2 n.3. Rather, New Skies anticipates that it will provide Ku-band services from that location only to regions not served by Gstar-4 (e.g., to South America).

² See Reply at pp. 1, 3, 4, 7.

Magalie Roman Salas
June 19, 2000
Page 2

However, this demonstration is irrelevant and misleading to Anik F-1's two-degree compliance because the Solidaridad I satellite uses C-band beams shaped to provide service primarily to the Mexican territory, not to all of CONUS.³ 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. Telesat's own data shows that this compatibility can only be achieved using similar power levels for adjacent satellites.

Telesat's Reply makes clear that it had to substantially reduce its C-band EIRP at the U.S.-Mexican border to 35-37 dBW in order to protect Solidaridad I – *about 10 dBW less than its 46.3 dBW peak EIRP in the United States*.⁴ Far from demonstrating its ability to accommodate other satellites located two degrees away intended to provide service throughout CONUS, Telesat's experience with Satmex demonstrates just the opposite: that Anik F-1's peak EIRP is dramatically higher than the level necessary for co-coverage satellites operating from 2 degree adjacent orbital locations.

In an effort to refute New Skies' evidence that Anik F-1's peak EIRP level is inordinately higher than that of other satellites operating nearby, Telesat points to three other satellites with EIRP levels of 44.2 dBW, 42.2 dBW, and 41.5 dBW.⁵ Even the highest value is more than 2 dBW less than Anik F-1 – a considerable and very material difference for satellite coordination purposes.

Telesat argues that the C-band EIRP levels present opportunity for substantial public interest benefits. Telesat has not demonstrated that it intends to provide a specific type of service that requires a substantially higher EIRP level than the present satellite. On the contrary, the list of planned emissions proposed by the Anik F-1 satellite is similar to the emissions provided by the Anik E-2 satellite currently operating at 107.3° W.L. Therefore, contrary to *servicing* the public interest, the extremely high C-band EIRP level of Anik F-1 will unnecessarily prejudice the operation of any other satellite designed to provide service throughout CONUS located two degrees (or, in New Skies' case, 2.3 degrees) away from the Anik F-1 satellite. Given the extreme scarcity of C-band capacity, it would be counter to the public interest if the Commission permitted operation at technical parameters that could preclude use of one of the few remaining expansion locations (*i.e.*, 105° W.L.) for competitive services to North American users.⁶

The Commission has repeatedly reaffirmed that its satellite policy is predicated upon the two-degree spacing policy, which is designed to maximize the number of in-

³ Beam patterns for the SATMEX satellite fleet may be found on its web site, <http://www.satmex.com/esp/flota/flota.html>. For reference, attached as Annex I, please find the C-band beam patterns for the Solidaridad I satellite.

⁴ See Reply at p. 5 n.10.

⁵ See Reply at p. 6.

⁶ New Skies notes that the extremely high EIRP levels also pose the same problem with respect to provision of Canadian services from New Skies' satellite.

Magalie Roman Salas
June 19, 2000
Page 3

orbit satellites capable of serving the U.S.⁷ Telesat has failed to refute New Skies' argument that the high EIRP operating levels of Anik F-1 would run afoul of that policy by rendering adjacent orbital locations useless for comparable service throughout CONUS. Telesat has not pointed to a single C-band satellite that operates at a peak EIRP within even 2 dBW of Anik F-1's peak level. Instead, Telesat has attempted to cloud the issue by citing the Solidaridad coordination – which is at once inapposite to the CONUS co-coverage issue involved here and also demonstrates the fundamental inability of Anik F-1 to coordinate in a co-coverage situation at its proposed peak EIRP levels.

As indicated in its original comments, New Skies' technical experts stand ready to work with the governments of the Netherlands and Canada and with Telesat, immediately and in good faith, to resolve this issue in a technically sound manner. New Skies has every confidence that coordination between New Skies planned satellite at 105° W.L., and the Anik F-1 satellite planned for 107.3° W.L. can be readily achieved.

Accordingly, New Skies reiterates its request that the Commission defer action on Telesat's request.

Respectfully submitted,



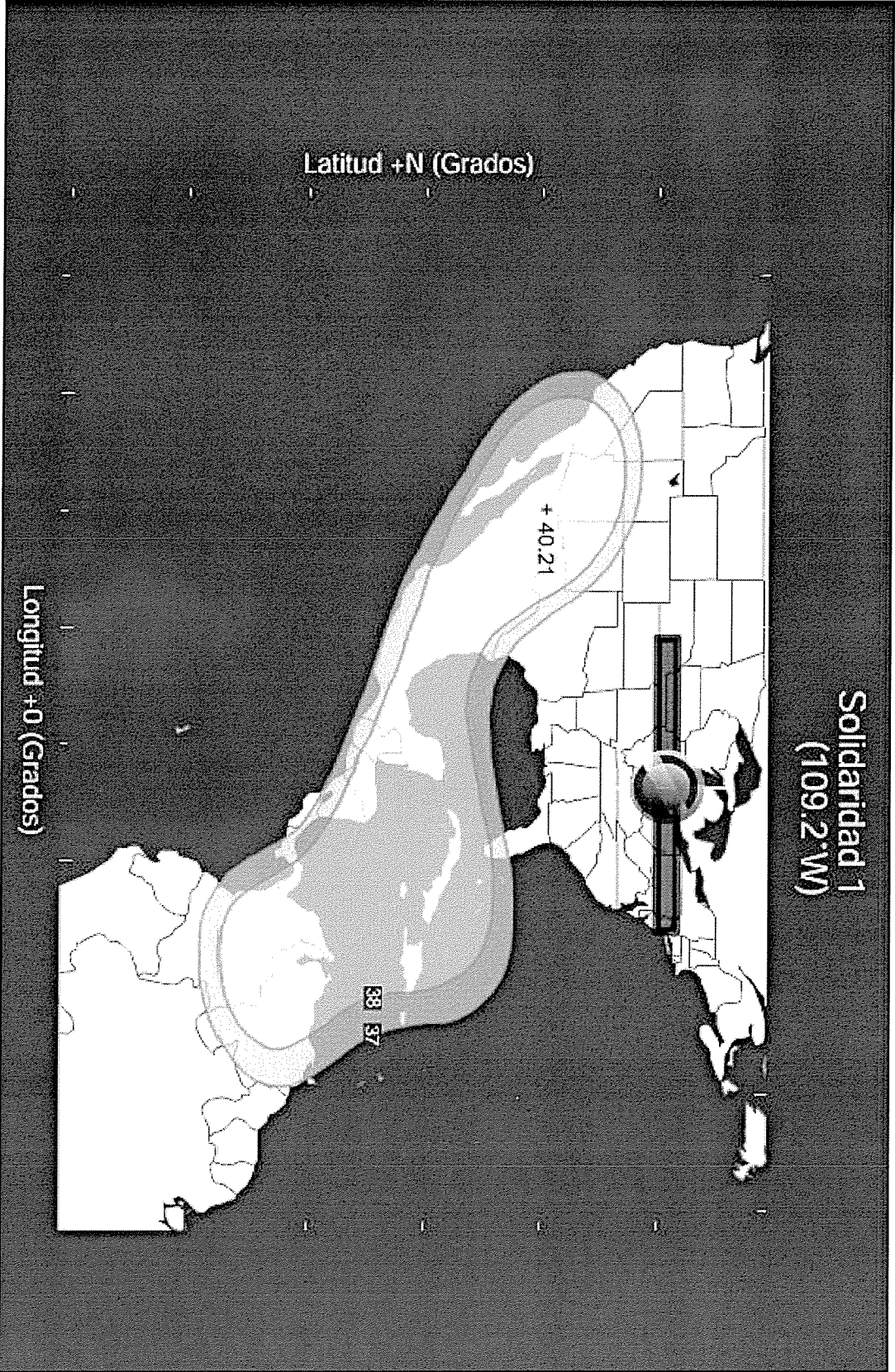
William M. Wiltshire
Counsel for New Skies Satellites N.V.

cc: Donald Abelson
Fern Jarmulnek
Bert W. Rein (Counsel for Telesat Canada)
Steven Spaeth
Cassandra Thomas
Thomas Tycz

⁷

See, e.g., Telesat Canada, 15 FCC Rcd. 3649, 3654 (Int'l Bur. 1999).

ANNEX 1



**Solidaridad 1
(109.2°W)**

