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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 16 2000

Satellite Policy Branch
International Bureau

In re Petition of)
TELESAT CANADA)
For Declaratory Ruling for Inclusion of)
Anik F-1 on the Permitted Space Station List)

File No. SAT-PDR-20000420-00083

REPLY OF TELESAT CANADA

Telesat Canada ("Telesat"), by its attorneys, hereby replies to the comments of New Skies Satellites NV ("New Skies") regarding Telesat's above-captioned Petition for Declaratory Ruling ("Petition") for inclusion of its proposed Anik F-1 spacecraft on the Permitted Space Station List. In its comments, New Skies urges the Commission to defer action on Telesat's request until Anik F-1 has been brought into compliance with the agency's two degree spacing rule. Yet, Anik F-1 plainly meets the FCC's two degree spacing requirement. This is clear both from its technical showing as well as from the fact that Telesat has successfully completed coordination for this satellite with other space stations located as little as 1.9 degrees away. Further, contrary to New Skies' insinuations, Anik F-1's technical characteristics are not only consistent with state-of-the-art satellite technology, but also advance important public interest goals. Accordingly, New Skies comments should be disregarded and Telesat's Petition promptly granted.

I. FACTS

Telesat was the first entity to construct, launch and operate spacecraft serving North America. For over 30 years, Telesat satellites have provided service to Canada, the United States and elsewhere in the hemisphere. Telesat has constructed and is prepared to launch and operate a state-of-the-art hybrid C/Ku Band satellite designated Anik F-1. Telesat will launch this spacecraft into 107.3° West later this year. This slot has long been registered at the ITU to Canada and is now occupied by Anik E-2.¹ In order to ensure that U.S. consumers may take full advantage of the additional competitive opportunities provided by the new Anik F-1 satellite, Telesat sought inclusion of Anik F-1 on the FCC's "Permitted Space Station List."² This would permit Telesat to begin to offer U.S. earth station users additional competitive opportunities as soon as possible, and facilitate any customer transition associated with earth station repointing.

New Skies, an offspring of INTELSAT, recently filed to place a hybrid satellite at 105 degrees to serve North and South America.³ At New Skies' request, Telesat and New Skies began technical discussions early this year, most recently meeting in March. Although New Skies does not claim that intersystem coordination has failed, or that either party is not

¹ The 107.3 degrees West orbital position currently is occupied by Anik E-2, not by Anik E-1 as stated by New Skies. *Cf.* New Skies Comments at 3.

² Telesat Petition for Declaratory Ruling, File No SAT-PDR-20000420-00083 (filed Apr. 20, 2000) ("Telesat Petition"); *see also DISCO II Reconsideration Order*, 18 Comm. Reg. (P&F) 471 (1999).

³ New Skies believes that it will be able to operate co-frequency, co-location with the Gstar-4 Ku-Band satellite at 105° West. *See* New Skies Comment at 2 n.3.

negotiating in good faith, it requests the FCC to delay adding Anik F-1 to the Permitted Space Station List until coordination is completed.

II. ANIK F-1 SATISFIES THE TWO DEGREE SPACING REQUIREMENT

New Skies predicates its request for deferral of action on Telesat's Petition on the assertion that Anik F-1 does not meet the Commission's two degree spacing policy. This is simply wrong. Anik F-1's compliance with this policy is conclusively demonstrated by both the technical showing in its application and its successful completion of coordination with other operators, including one operating a satellite located 1.9 degrees away.

The Commission's two degree spacing rule requires that satellite operators seeking to serve the U.S. market demonstrate that they will be compatible with any authorized space station located two degrees away.⁴ As Exhibit I of the Anik F-1 filing, Telesat has attached a full technical analysis clearly showing how it meets these requirements.⁵

Telesat has also successfully completed coordination with other satellite operators in the vicinity of its proposed location. Telesat takes its coordination responsibilities seriously and, beginning in 1997, has engaged in detailed coordination discussions with its two current neighboring satellite operators, GE Americom and Satmex. Coordination has been successfully achieved with the GE Americom satellites operating at 105° WL, 103° WL and 101° WL and with the Satmex satellites operating at 109.2° WL, 113° WL, and 116.8° WL. Together, these constitute all current operators of satellites – in both the C and Ku bands – in the portion of the

⁴ 47 C.F.R. § 25.140(b)(2).

⁵ Telesat Petition, Annex 1.

GSO arc spanning the range 101° WL to 116.8° WL. Significantly, one of the satellites with which successful coordination has been completed (the Satmex satellite located at 109.2° WL) is less than two degrees away. Thus, New Skies' concern that the Anik F1 satellite characteristics may "preclude the use of orbital slots located two degrees or more away"⁶ is clearly and completely without merit.

While discussions with New Skies satellite have only just begun, Telesat has no reason to believe that the successful coordination of the New Skies satellite with Telesat and other operators cannot be achieved.⁷ The mere fact that this late-initiated discussion is ongoing should not delay grant of Telesat's Petition and the commencement of service to customers. In fact, when the Anik F-1 Request for Coordination (AP S IV) is published by the ITU, the New Skies satellite network will not be cited as one with which Telesat must coordinate, since the New Skies filing was received by the ITU after that of Anik F-1. Telesat already has completed coordination with neighboring satellite networks whose filings pre-date that of Anik F-1.

⁶ Petition at 2.

⁷ It should be noted that Anik F1 was designed and construction was completed at the satellite vendor's plant (Hughes) prior to Telesat even being made aware of New Skies plans to file for operation of a satellite at the 105° WL orbital position. The first informal approach by New Skies to Telesat took place in late November 1999, with the first formal meeting taking place in January 2000. Nevertheless, since New Skies initiated discussions with Telesat, Telesat has worked diligently with New Skies towards achieving successful coordination of a New Skies satellite at the 105° WL orbit location.

III. ANIK F-1'S TECHNICAL CHARACTERISTICS ARE NOT ONLY CONSISTENT WITH STATE-OF-THE-ART SATELLITE TECHNOLOGY BUT ALSO WITH THE COMMISSION'S PUBLIC INTEREST GOALS

In its comments, New Skies attempts to characterize Anik F-1 as having “inordinately high power proposed for its C Band downlink.”⁸ This is flatly incorrect. The design of Anik F-1 is fully consistent with current state-of-the-art satellite technology. As such, its prompt availability to U.S. customers will facilitate the deployment of more advanced and efficient technology – a directive of the Communications Act and a core policy goal of the Commission.

The history of satellite communications has been characterized by increasing power levels for space qualified output power amplifiers. Telesat's first generation of satellites, the Anik A series designed in the late 1960s, employed 5 Watt output amplifiers and provided a peak EIRP of approximately 33 dBW. The Anik E satellites, which were designed in the late 1980s, employed 15 Watt C Band output amplifiers with a peak EIRP of around 40 dBW,⁹ which is a relatively low power by today's standards. Present generation satellites, such as Anik F-1, take advantage of the higher power output amplifiers now available, typically with 20-50 Watts of output power, and consequently have higher EIRP values.¹⁰

⁸ Petition at 2.

⁹ The peak EIRP for Anik E1 is 40.5 dBW, not 38 dBW, as erroneously stated in New Skies' comments.

¹⁰ Anik F1 was designed with 40 watt C Band output amplifiers. The EIRP coverage of the United States varies from about 35-37 dBW at the USA/Mexican border to a peak of 46 dBW in the Eastern Canada/US border region. The tapered downlink coverage of the US was necessary to minimize C-band signal levels into Mexico while at the same time providing adequate coverage of the US.

Anik F-1's power levels are not unusual, but rather fully consistent with those of recent space stations. For example, the Hughes/PanAmSat Galaxy X-R spacecraft (licensed at 123° West) will operate at 44.2 dBW EIRP. Telstar 7, which was launched in 1999, employs 37 Watt C-band output amplifiers and has a peak EIRP of 42.2 dBW. Satmex 5, which was launched in 1998, employs 36 Watt C-band output amplifiers and has a peak EIRP of 41.5 dBW. Clearly, Anik F-1's proposed operational power is not dramatically different.

The Commission specifically has noted that power levels employed by these state-of-the-art satellites, such as Anik F-1, presents opportunity for substantial public interest benefits. As the agency has stated,

most newly implemented satellites have been designed to operate at higher power density levels These satellites have been operating in all portions of the orbital arc without causing interference problems.¹¹

As a result, the Commission has never stood in the way of advanced services and equipment that have the capability of offering more services more efficiently. On the contrary, the Communications Act mandates that the Commission "encourage the larger and more effective use of radio in the public interest."¹²

The Telesat Anik F-1 spacecraft will employ state-of-the-art technology to efficiently provide services to the public, to the benefit of U.S. consumers. Telesat will continue discussions with New Skies, to ensure harmonious operation of the adjacent

¹¹ *Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, 11 FCC Rcd 13788, 13791 (1996) (subsequent history omitted).

¹² 47 U.S.C. § 303(g). *See also* 47 U.S.C. § 157(a) ("It shall be the policy of the United States to encourage the provision of new technologies and services to the public. Any person or party . . . who opposes a new technology or service . . . shall have the burden to demonstrate that such a proposal is inconsistent with the public interest.").

systems once New Skies launches—a date possibly years away. But, absent demonstration of bad faith—of which there is none—the Commission can be assured that the various parties will negotiate in good faith, and it should not hold inclusion on the Permitted Space Station list hostage to possible future systems.

IV. CONCLUSION

For the foregoing reasons, New Skies' comments fail to raise any relevant basis for deferring action on Telesat's Petition. Anik F-1 plainly meets the requirements of the Commission's two degree spacing rule, having successfully been coordinated with all other neighboring satellites—including one located 1.9 degrees away. Anik F-1's technical characteristics are not only consistent with those of other recent satellites, but also further important Commission policy goals of service expansion and spectrum efficiency.

Telesat will continue to negotiate with New Skies and all other satellite operators on the same basis it has for 30 years—in good faith. However, there is no reason that the FCC cannot add Anik F-1 to the Permitted Space Station list in the interim, and give U.S. earth station

operators the additional choice and competitive flexibility that U.S. policy encourages. As such, New Skies' comments should be disregarded and Telesat's Petition promptly granted.

Respectfully submitted,

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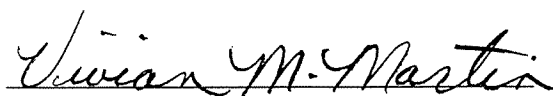
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