



PUBLIC NOTICE

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REVISION OF PERMITTED LIST ENTRY FOR THE NSS-7 SATELLITE TO REMOVE COORDINATION CONDITIONS

File Nos. SAT-PDR-20010309-00020
and SAT-PDR-20011016-00137

On May 28, 2002, the Chief of the International Bureau's Satellite Division released an Order in the above referenced proceedings placing NSS-7, a satellite launched and operated by New Skies Satellites N.V. ("New Skies"), on the Permitted Space Station List (the "Permitted List") at the 21.5° W.L. (338.5° E.L.) orbital location.¹ By this Public Notice, we revise NSS-7's entry on the Permitted List to lift conditions imposed on New Skies by the *NSS-7 Order* since New Skies has agreed, with the concurrence of the Netherlands administration, and as required by that Order, to undertake certain coordination commitments.²

Because NSS-7 does not meet all of the Commission's technical rules adopted to ensure compatibility of satellite systems operating with at least two-degrees of orbital spacing, the *NSS-7 Order* imposed certain conditions on the authorization of earth stations communicating with NSS-7. Specifically, the *NSS-7 Order* provides that New Skies is required to coordinate in good faith with any future U.S.-licensed services over a U.S.-licensed or non-U.S.-licensed satellite that complies with the Part 25 technical requirements and is located as close as two degrees away from NSS-7.³ If a coordination agreement cannot be reached, New Skies is required to operate on a non-harmful interference basis relative to the compliant U.S.-licensed services.⁴ The *NSS-7 Order* further states that these conditions will be lifted if New Skies, with the concurrence of the Netherlands government, undertakes the following commitments. First, compliant U.S. services over U.S.-licensed or non-U.S.-licensed satellites serving the U.S. market spaced two-degrees or more from NSS-7 are assumed to be fully coordinated. Second, non-compliant U.S. services over U.S.-licensed or non-U.S.-licensed satellites serving the U.S. market spaced two degrees or more from NSS-7 will be coordinated on an equal basis, irrespective of the relative dates of receipt of the coordination requests at the International Telecommunication Union for the relevant satellite networks.⁵

¹ *New Skies Satellites N.V.*, 17 FCC Rcd. 10369 (Int'l Bur. 2002) ("NSS-7 Order").

² *Id.* at ¶ 32.

³ *Id.* at ¶ 21.

⁴ *Id.*

⁵ *Id.* at ¶ 32.

By letter dated September 19, 2002, the Radiocommunications Agency of the Netherlands informed the Federal Communications Commission that New Skies has agreed, with the written concurrence of the Netherlands administration, to undertake the coordination commitments specified in the *NSS-7 Order*.⁶

Accordingly, we remove the following conditions on earth stations accessing the NSS-7 satellite:

IT IS FURTHER ORDERED that each earth station with "ALSAT" designated as a point of communication may communicate with NSS-7, only under the following conditions, unless New Skies Satellites, N.V., undertakes the commitments set forth in paragraph 21, and the Administration of the Netherlands gives its concurrence, in writing, to those commitments.

- (a) In the future, should the Commission authorize access to the U.S. market by a satellite that is two-degree spacing compliant, and is located as close as two-degrees from a New Skies satellite, New Skies would be expected to coordinate, in good faith, with the licensee of this satellite.
- (b) If a coordination agreement is not reached, New Skies's operation of NSS-7 must be on a non-harmful interference basis relative to U.S. services being provided by the compliant satellite.
- (c) If a coordination agreement is not reached, these satellite networks shall not cause harmful interference to, nor shall operators accessing these satellite networks claim protection from, U.S. services provided over U.S.-authorized satellite networks, and/or U.S.-authorized services provided over non-U.S.-authorized satellite networks that are providing service to the United States that are compliant with the Commission's two-degree spacing rules.
- (a) In addition, operation of NSS-7 in the conventional C-band, shall cease immediately upon notification of harmful interference. Complaints of all radio interference shall be forwarded to the Commission in writing.⁷

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⁶ Letter from A.J. van Dijken, on behalf of The Minister for Economic Affairs, Head Frequency Planning and Coordination Section, Radiocommunications Agency of the Netherlands, to Donald Abelson, Chief, International Bureau, Federal Communications Commission, (dated 19 September 2002).

⁷ *NSS-7 Order* at ¶ 31.