

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

In the Matter of)	
)	
Telesat Canada)	File No. SAT-PDR-20161115-00108
)	
Petition for Declaratory Ruling to Grant)	
Access to the U.S. Market for Telesat's)	
NGSO Constellation)	

TELESAT CANADA'S RESPONSE TO COMMENTS OF SPACE NORWAY AS

In the above-referenced Petition for Declaratory Ruling ("Petition"), Telesat Canada ("Telesat") seeks access to the U.S. market for Telesat's planned low earth orbit ("LEO"), non-geostationary satellite orbit ("NGSO") satellite system (the "Telesat LEO Constellation" or "LEO Constellation").

Telesat's LEO Constellation will be comprised of over 100 advanced satellites that will deliver high capacity, high speed, low latency data services with a distributed space architecture designed to enhance network security and resiliency and the ability to provide coverage anywhere in the world. The innovative design combines polar and inclined orbits, incorporates advanced technologies that will make effective and efficient use Ka-band spectrum to bring needed services to the public, including many presently underserved areas. Innovation, Science and Economic Development Canada (formerly Industry Canada) has authorized Telesat to launch and operate this LEO Constellation, and Telesat has filed the Petition for authority to serve the U.S. market.

Space Norway AS (“Space Norway”) filed Comments with respect to Telesat’s Petition. ¹Telesat hereby responds to SpaceX’s Comments. Telesat demonstrates that the Comments provide no basis for delaying a grant of Telesat’s Petition.

I. DISCUSSION

Space Norway’s pleading is simply a rehash of comments that it submitted in response to the Notice of Proposed Rulemaking in the Commission’s pending NGSO proceeding (“NGSO NPRM”).² Space Norway argued that its Highly Elliptical Orbit (HEO) system should be treated in GSO primary spectrum like a GSO system, *i.e.*, NGSO systems should be required to protect its HEO system and its HEO system should not be required to protect NGSO systems.

There is no basis for conditioning Telesat’s grant on compliance with Space Norway’s rulemaking proposal. The proposal can be addressed in the rulemaking proceeding in which it was made. Space Norway does not even allege that Telesat’s application violates or is inconsistent with any Commission rule or policy.

There also is no basis either in ITU or Commission rules for treating Space Norway’s HEO system like a GSO system in this processing round. If Space Norway will operate as a GSO system, its petition should be dismissed from the NGSO processing round. Conversely, if Space Norway will operate as an NGSO or NGSO-

¹ *Comments of Space Norway AS*, File No. SAT-PDR-20161115-00108 (filed June 26, 2017) (“*Space Norway Comments*”).

² See *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, IB Docket No. 16-408, Notice of Proposed Rulemaking, 31 FCC Rcd 13651 (2016) (“*NGSO NPRM*”).

like system, then it must operate under the ITU and Commission rules that govern such operations.

Space Norway's suggestion, moreover, that it would be "relatively easy"³ for Telesat to protect and co-exist with Space Norway's HEO system by employing the techniques Telesat must use to protect GSO networks, ignores the very real consequences to Telesat of being required to do so. It is true that the physics involved in protecting a HEO system such as Space Norway's is the same as that involved in protecting GSO networks – a handover between satellites would need to occur to ensure protection levels are respected. However, although Telesat's LEO Constellation has been designed to ensure coexistence with the GSOs, to accommodate Space Norway, Telesat would either have to forego service to northern areas, including parts of Alaska and Northern Canada – Space Norway is not the only one planning to serve these areas--or engage in substantial and costly system changes, including the addition of more satellites to its fleet.

Notwithstanding the deficiencies in Space Norway's position, Telesat has no objection to accepting a condition, similar to the condition the Commission adopted in its recent grant of OneWeb's petition for U.S market access, stating that any earth

³ *Space Norway Comments* at 3.

station licenses granted in the future “would be subject to modification to bring them into conformance with any rules or policies adopted by the Commission in the future.”⁴

II. CONCLUSION

Telesat urges that the Commission grant Telesat’s Petition, consistent with the action taken by the Commission with respect to OneWeb’s petition for access to the U.S. market. Nothing in Space Norway’s Comments warrants delaying such favorable action.

Respectfully submitted,

TELESAT CANADA

/s/

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⁴ Cf. *WorldVu Satellites Limited, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System, IBFS File No. SAT-LOI-20160428-00041, Order & Declaratory Ruling, FCC 17-77 (June 23, 2017).*

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2017, a copy of the foregoing Response to Comments of Space Norway was sent by first-class, United States mail to the following:

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