

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 SES S.A. AND O3B LIMITED

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 Petition is one of several applications and petitions (collectively, the "Applications") regarding Ku-band and Ka-band NGSO satellite systems that have been accepted for filing by the Commission that are subject to the same comment period.¹

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

¹ See *Public Notice, Petitions Accepted For Filing, Cut-Off Established for Additional NGSO-Like Satellite Petitions or Petitions For Operations in the 12.75-13.25 GHz, 13.85-14.0 GHz, 18.6-18.8 GHz, 19.3-20.2 GHz, and 29.1-29.5 GHz Bands*, DA 17-524, File No. SAT-LOI-20161115-00121 (May 26, 2017) ("*May 2017 Public Notice*").

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.

SES S.A. and O3b Limited (collectively, “SES/O3b”) submitted comments to the Commission regarding various NGSO petitions and applications in this processing round, including Telesat’s Petition.² Telesat hereby responds to SES/O3b’ Comments. Telesat demonstrates that the Comments provide no basis for delaying a grant of Telesat’s Petition.

I. DISCUSSION

SES/O3b complain that Telesat (and, as SES/O3b acknowledge, many other parties in the processing round) has not submitted EIRP and PFD masks, which SES/O3b claim they need to validate Telesat’s EPFD compliance demonstration.³ The Commission, however, does not require such submissions for Ka-band applicants.

² See *Comments of SES S.A. and O3B Limited in re Telesat Canada SAT-PDR-20161115-00108; Call Sign S2976* (June 26, 2017) (“SES/O3b Comments”).

³ *SES/O3b Comments* at 4. With respect to one aspect of SES/O3b’s discussion of Telesat’s showing, Telesat wishes to clarify the statement in its Petition that its proposed constellation will meet the worst-case EPFD down limit 100 percent of the time. That statement refers to the EPFD generated at the boresight of the satellite antennas. Additional information is provided in Telesat’s response to OneWeb’s comments on Telesat’s Petition, which is incorporated herein by reference. See *Telesat Canada’s Response to Comments of WorldVu Satellites Limited in re Telesat Canada Petition for Declaratory Ruling to Grant Access to the U.S. Market for Telesat’s NGSO Constellation*, IBFS File No. SAT-PDR-20161115-00108 (July 7, 2017).

Telesat has provided all of the EPFD-related information requested by the Commission.⁴

In addition to the Commission's review, the ITU conducts its own analysis of EPFD compliance. Telesat has submitted all required information to the ITU in connection with this analysis, and the ITU's finding, once concluded, will be public information. Telesat will accept a condition on its grant that would match the following condition the Commission recently specified in its ruling on OneWeb's petition for access to the U.S. market for its NGSO system: "Prior to initiation of service, OneWeb must receive a favorable or 'qualified favorable' finding in accordance with Recommendation 85 (WRC-03) with respect to its compliance with applicable EPFD limits in Article 22 of the ITU Radio Regulations."⁵

SES/O3b also ask the Commission to "make clear in any action on the Telesat and LeoSat Petitions that the ITU priority of the filings on which they rely is not relevant to the Commission's expectations regarding sharing with other NGSO networks."⁶ That request is based upon an erroneous interpretation of Commission precedent. Contrary to the assertion of SES/O3b, and as reflected in the Commission's

⁴ See *Letter from Elisabeth Neasmith, Telesat, to Jose Albuquerque, Chief, FCC Satellite Division, regarding response to March 15, 2017 letter requesting additional information regarding Telesat's Petition for Declaratory Ruling Requesting Access to the U.S. Market for Its Non-Geostationary Orbit Constellation, Call Sign S2976 IBFS File No. SAT-LOI-20161115-00108 (April 14, 2017) at 2-3 and Attachment 1.*

⁵ See *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), at ¶ 24.d.* We note what appears to be a typographical error in the quoted OneWeb condition; we believe that the reference in the condition to "Recommendation 85 (WRC-03)" is intended to mean Resolution 85 (WRC-03).

⁶ *SES/O3b Comments at 7 (footnote omitted).*

OneWeb Grant, compliance with ITU coordination requirements is essential to Commission requirements.

Finally, with respect to SES/O3b's request that Telesat's operations be conditioned on compliance with Commission policies and rules as well as with international coordination obligations, to the extent applicable to the frequency bands in which Telesat will operate, Telesat will accept the relevant conditions that the Commission set out in the OneWeb grant, as Telesat understands them, subject, as applicable, to the outcome of the Commission's current rulemaking proceeding regarding Ka-band NGSO systems.⁷ Of course, the same conditions should apply to any SES/O3b grant. There is no basis for any conditions on Telesat beyond those the Commission applied to OneWeb.

⁷ 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).

II. CONCLUSION

Telesat urges the Commission to 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 SES/O3b' Comments warrants delaying such favorable action.

Respectfully submitted,

TELESAT CANADA

/s/ _____
Elisabeth Neasmith
Director, Spectrum Management and Development
1601 Telesat Court
Ottawa, Ontario
Canada, K1B 5P4
(613) 748-0123

Of Counsel:
Henry Goldberg
Joseph A. Godles
Jonathan L. Wiener
Goldberg, Godles, Wiener & Wright LLP
1025 Connecticut Avenue, Suite 1000
Washington, DC 20036
(202) 429-4900

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2017, a copy of the foregoing Response to Comments of SES, S.A. and O3b Limited was sent by first-class, United States mail to the following:

Gerald E. Oberst
Senior Vice President, Global
Regulatory and Governmental
Strategy, SES S.A.
1129 20th Street N.W., Suite 1000
Washington, D.C. 20036

Karis A. Hastings
SatCom Law LLC
1317 F Street, N.W., Suite 400
Washington, D.C. 20004

Suzanne H. Malloy
Vice President, Regulatory Affairs,
O3b Limited
900 17th Street, N.W.
Washington, D.C. 20006

/s/
Brenda Campbell