

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

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|--------------------------|---|---------------------------------|
| In the Matter of |) | |
| |) | |
| SES-17 S.à r.l. |) | File No. SAT-PDR-20190305-00014 |
| |) | Call Sign S3043 |
| Request for U.S. |) | |
| Market Access for SES-17 |) | |

SES RESPONSE

SES-17 S.à r.l. (“SES”) hereby responds to petitions and comments regarding the above-referenced request for U.S. market access for the Luxembourg-licensed SES-17 Ka-band spacecraft to be deployed at 67.1° W.L.¹ As discussed herein, these filings do not present any valid obstacle to prompt Commission action authorizing SES-17 to introduce new services for U.S. customers.

Direct broadcast satellite (“DBS”) operators AT&T and EchoStar limit their pleadings to arguing that the Commission should not authorize SES-17 to use the 17.3-17.7 GHz band (“17 GHz band”) on a protected basis for fixed-satellite service (“FSS”) downlinks but instead should address these issues in response to the petition for rulemaking SES filed contemporaneously with the SES-17 Application.² AT&T and EchoStar overstate the potential impact on DBS systems of waiving the Table of Allocations to permit SES-17 to transmit to U.S.

¹ *SES-17 S.à r.l.*, Call Sign S3043, File No. SAT-PDR-20190305-00014 (“SES-17 Application”); Petition to Deny or Defer in Part of AT&T Services, Inc. (“AT&T Petition”); Petition to Defer of EchoStar Satellite Operating Company (“EchoStar Petition”); Comments of Iridium Constellation LLC (“Iridium Comments”).

² See AT&T Petition at 2-4 & n.13; EchoStar Petition at 1-2 & n.2, *citing Amendment of Parts 2 and 25 of the Commission’s Rules to Enable Primary Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3-17.7 GHz Band*, Petition for Rulemaking of SES Americom, Inc., RM-11839 (Mar. 5, 2019) (“SES Petition for Rulemaking”).

earth stations in the 17 GHz band under the regulatory framework already in place for 17/24 GHz broadcasting-satellite service (“17/24 GHz BSS”) operations. AT&T for example, argues that it would be inappropriate for the Commission to allow “an entirely new type of satellite service” in the 17 GHz band,³ ignoring both the fact that FSS is already permitted in this spectrum in the uplink direction and that SES has presented a detailed and undisputed showing that FSS downlink operations would be operationally equivalent to 17/24 GHz BSS downlinks and indeed would be less constraining on DBS networks.⁴ This showing amply satisfies the requirement that a waiver request be accompanied by a demonstration of special circumstances justifying a departure from the rules.⁵

Nevertheless, SES’s primary interest is in obtaining an expedited grant of the SES-17 Application so that the satellite being built can be used to bring critical new services to the U.S. market. To promote that objective, SES would not object to Commission action that authorizes SES-17 to perform FSS downlink operations in the 17 GHz band on an unprotected basis pending action on the SES Petition for Rulemaking.

The Iridium Comments are also narrow in scope and present no issues that must be addressed in this proceeding. Specifically, Iridium expresses concerns regarding future earth station applications seeking authority to communicate with SES-17 in the 19.4-19.6 GHz and 29.1-29.25 GHz band segments Iridium uses for its feeder link operations.⁶ SES has already committed to coordinating its planned gateway earth station facilities with Iridium, described the

³ AT&T Petition at 2.

⁴ SES Application, Legal Narrative at 7-8 & Technical Appendix at 3-8.

⁵ See AT&T Petition at 2.

⁶ Iridium Comments at 2-3.

geographic isolation and other mitigation measures it would use to facilitate such coordination, and acknowledged that SES's operations in these frequencies would be on an unprotected, non-harmful interference basis.⁷ SES is not asking the Commission to prejudge the outcome of future earth station applications, and there is no reason why Iridium's speculation regarding the issues that would arise in such applications should delay processing of the SES-17 Application.

In short, nothing in the record prevents the Commission from expeditiously authorizing SES-17 to serve the U.S. market to enable the delivery of state-of-the-art services to fixed and mobility customers from the nominal 67° W.L. orbital location. SES does not object to an interim requirement that SES-17 downlinks in the 17 GHz band be unprotected pending any change in the regulatory framework pursuant to the SES Petition for Rulemaking. Iridium's concerns regarding SES-17 gateway earth station operations can be adequately addressed when applications for those facilities are filed.

Respectfully submitted,

SES-17 S.à r.l.

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⁷ SES Application, Legal Narrative at 8-9 & Technical Appendix at 10-11.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2019, I caused a true and correct copy of the foregoing "SES Response" to be sent by first class mail, postage prepaid, to the following:

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