



File # SAT-PPL-20040804-00155

S2626 Grant Date Sept 9, 2004

Approved by OMB
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Term Dates
From 9/9/2004 To 12/15/2004

Approved: Robert G. Nelson Chief Satellite
Engineering Branch

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APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	FCC Use Only
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

Telesat Canada - Anik E2R - Change to and Extension of the Permitted List Entry

1-8. Legal Name of Applicant			
Name:	Telesat Canada	Phone Number:	613-748-0123
DBA Name:		Fax Number:	613-748-8712
Street:	1601 Telesat Court Ottawa, Ontario, K1B5P4	E-Mail:	R.Power@telesat.ca
City:		State:	
Country:	Canada	Zipcode:	-
Attention:	Mr. Robert D. Power		

9-16. Name of Contact Representative (If other than applicant)

Name:	Jennifer D. Hindin	Phone Number:	202-719-7000
Company:	Wiley Rein & Fielding LLP	Fax Number:	202-719-7207
Street:	1776 K St, NW	E-Mail:	jhindin@wrf.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20006 -
Contact Title:	Partner	Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a.
(N/A) a1. Earth Station
 a2. Space Station

- b.
 b1. Application for License of New Station
(N/A) b2. Application for Registration of New Domestic Receive-Only Station
(N/A) b3. Amendment to a Pending Application
(N/A) b4. Modification of License or Registration
(N/A) b5. Assignment of License or Registration
(N/A) b6. Transfer of Control of License or Registration
(N/A) b7. Notification of Minor Modification
(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite

 b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
 b10. Replacement Satellite Application - no new frequency bands
 b11. Replacement Satellite Application - new frequency bands (Not eligible for streamlined processing)
 b12. Petition for Declaratory Ruling to be Added to the Permitted List
(N/A) b13. Other (Please specify)

17c. Is a fee submitted with this application? <input type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114). <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input checked="" type="radio"/> Other (please explain): Permitted List Filing – no fee required	
17c. Fee Classification BNY – Space Station (Geostationary)	Number of Satellite: 0
18. If this filing is in reference to an existing station, enter: (a) Call sign of station: Not Applicable	
19. If this filing is an amendment to a pending application enter: (a) Date pending application was filed: Not Applicable	
(b) File number of pending application: Not Applicable	

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify)

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier Non-Common Carrier

22. If earth station applicant, check all that apply.
Not Applicable

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

- Connected to a Public Switched Network Not connected to a Public Switched Network N/A

24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz) b. Ku-Band (12/14 GHz)
 c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: Frequency Upper: (Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- (N/A) a. Fixed Earth Station
- (N/A) b. Temporary-Fixed Earth Station
- (N/A) c. 12/14 GHz VSAT Network
- (N/A) d. Mobile Earth Station
- e. Geostationary Space Station.
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. Yes No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?

Yes No N/A

30. Is the applicant an alien or the representative of an alien?

Yes No N/A

31. Is the applicant a corporation organized under the laws of any foreign government?

Yes No N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes No

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances

Yes No

39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.

Yes No

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes. Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43. Yes No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station? Canada

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

Telesat Canada requests (1) modification of its Permitted List entry to reflect a minor change to the orbital location and station-keeping box of the Anik E2R satellite around mid to late September to early October 2004; and (2) extension, until December 15, 2004, of its Permitted List entry. Telesat certifies that no other information on file with the

Exhibit A

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
Ted Ignacy

46. Title of Person Signing
Vice President, Finance and Treasurer

47. Please supply any need attachments.

1:

2:

3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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43. Description. (Summarize the nature of the application and the services to be provided).

Telesat Canada requests (1) modification of its Permitted List entry to reflect a minor change to the orbital location and station-keeping box of the Anik E2R satellite around mid to late September to early October 2004; and (2) extension, until December 15, 2004, of its Permitted List entry. Telesat certifies that no other information on file with the Commission has changed.

EXHIBIT A

Request to Modify the Permitted Space Station List Entry for the Anik E2R Satellite

Telesat Canada ("Telesat"), in accordance with Sections 25.137, 25.117(d), and 25.114 of the rules of the Federal Communications Commission ("FCC" or "Commission"),¹ hereby requests: (1) modification of the Permitted Space Station List ("Permitted List") entry for the Anik E2R satellite to reflect a minor change to the satellite's orbital location and stationkeeping box during mid to late September to early October 2004; and (2) extension, until December 15, 2004, of its Permitted List entry.² These changes are necessary to accomplish the transfer of traffic to the Anik F2 satellite, which is expected to occur in early October 2004. Granting these requests would serve the public interest by ensuring safe co-location of Anik E2R and Anik F2 at the nominal 111.1° W.L. orbital location and continuity of service to U.S. earth stations. Telesat certifies that the remaining information on file with the Commission will not change.³

1. Background

The Commission added Anik E2R to its Permitted List by a grant stamp order dated June 3, 2003.⁴ As Telesat noted in its Petition for Declaratory Ruling,⁵ inclusion of Anik E2R on the Permitted List was necessary to enable Telesat to continue to serve U.S. customers from 111.1°

¹ 47 C.F.R. §§ 25.137, 25.117(d), and 25.114.

² Telesat Canada, *Petition for Declaratory Ruling for Inclusion of Anik E2R on the Permitted Space Station List*, File No. SAT-PDR-20030416-00068, Grant Stamp Order (Int'l Bur. dated June 3, 2003) ("*Anik E2R Order*").

³ For example, with respect to questions 30-34 on the preceding Form 312, the foreign ownership information already on file with the Commission has not changed and will not change as a result of this proposed modification.

⁴ See *Anik E2R Order*.

⁵ Telesat Canada, *Petition for Declaratory Ruling for Inclusion of Anik E2R on the Permitted Space Station List*, File No. SAT-PDR-20030416-00068 (filed Apr. 16, 2003) ("*Anik E2R Petition*").

W.L. Anik E2R replaced Anik E2 and will, in turn, be replaced by Anik F2, another satellite approved to serve U.S. customers from 111.1° W.L.⁶ Anik F2 was launched on July 17, 2004 and is scheduled to replace Anik E2R as soon as the necessary traffic transfer occurs. It is expected that Anik E2R will be returned to PanAmSat after successful completion of the traffic transfer.

2. Request to Shift the Orbital Location and Stationkeeping Box During Mid to Late September to Early October 2004

In order to transfer traffic from Anik E2R to Anik F2, both satellites will need to be nominally co-located at the 111.1° W.L. orbital location around mid to late September to early October 2004. Specifically, during the approximate two-week period necessary to transfer traffic, Anik E2R's orbital location and stationkeeping box will be 111.06° W.L. +/- 0.03° (*i.e.*, 111.03° to 111.09°) instead of its approved orbital location and stationkeeping box of 111.1° W.L. +/- 0.05° (*i.e.*, 111.05° to 111.15°). Because operation at 111.03° and 111.04° would fall outside the scope of the current Permitted List entry, Telesat seeks modification of the entry to reflect the slight shift in its orbital location and stationkeeping box.

This slight shift in the technical parameters for Anik E2R will not affect the operations of other satellites authorized to serve the United States. Telesat also certifies, in accordance with rule 25.117(d)(1),⁷ that there will be no discernible change to any other information provided in its Petition for Declaratory Ruling or the technical exhibit attached thereto.⁸ Moreover, Telesat notes that Industry Canada is aware of and has no difficulty with the required, temporary operations of Anik E2R at the 111.06° W.L. (+/- 0.03°) orbital location.

⁶ *Telesat Canada, Petition for Declaratory Ruling for Inclusion of ANIK F2 on the Permitted Space Station List*, Order, DA 02-3490 (Int'l Bur. rel. Dec. 18, 2002).

⁷ See 47 C.F.R. § 25.117(d)(1).

⁸ See generally *Anik E2R Petition*.

Modification of the Permitted List entry for Anik E2R will serve the public interest by ensuring safe co-location of satellites at the nominal orbital location and continuity of service to U.S. earth stations. It also would permit PanAmSat to continue to use its U.S. licensed earth station to provide TT&C during the traffic transfer.

3. Request for Extension Until December 15, 2004

In addition, Telesat seeks extension, until December 15, 2004, of its Permitted List entry, which will expire on September 30, 2004.⁹ When Telesat initially received approval to serve the U.S. market, it believed that the transfer of traffic to Anik F2 would be completed well before the end of this term. Due to the unforeseen technical complications that caused delays to the delivery and launch of Anik F2, however, Telesat was unable to launch Anik F2 until July 17, 2004. As a result, the necessary traffic transfer cannot occur until early October 2004. Telesat therefore requests a brief extension for the purpose of conducting the traffic transfer.

⁹ See *Anik E2R Order*.