



File # SAT-PPL-20040804-00156

S2472 Grant Date Sept 9, 2004

From 9/9/2004 Term Dates To 10/30/2004 Approved by OMB 3060-0678

Approved: [Signature] Chief Satellite Engineering Branch

Date & Time Filed: Aug 4 2004 4:42:07:086PM
File Number: SAT-PPL-20040804-00156
Callsign/Satellite ID: S2638

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

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

Telesat Canada - Anik F2 - Request for Addition to the Permitted List at 111.14 Degrees W.L. on a Special and Temporary Basis

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 E-Mail: R.Power@telesat.ca
Ottawa, Ontario, K1B5P4
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 buttonnext to the classification that applies to thisfiling 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?

If Yes, complete and attach FCC Form 159.

If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

Governmental Entity     Noncommercial educational licensee

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

- |  |  |
|--|--|
| <p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?<br/>If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>  | <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> |
| <p>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.</p>  | <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> |
| <p>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.</p>   | <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> |
| <p>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</p> | <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> |
| <p>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.</p>  | <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> |

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 inclusion of the Anik F2 satellite at 111.14 degrees W.L. on the Permitted List on a special and temporary basis. Telesat certifies that no other information on file with the Commission has changed.

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).

#### **FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

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## EXHIBIT A

### Request to Add the Anik F2 Satellite at 111.14° W.L. to the Permitted Space Station List on a Special and Temporary Basis

Telesat Canada ("Telesat"), in accordance with Section 25.137 of the rules of the Federal Communications Commission ("FCC" or "Commission"),<sup>1</sup> hereby requests inclusion of the Anik F2 satellite at 111.14° W.L. on the Permitted Space Station List ("Permitted List") on a special and temporary basis.

#### 1. Background

On December 18, 2002, the FCC added Anik F2 at 111.1° W.L. to the Permitted List.<sup>2</sup> Telesat successfully launched Anik F2 on July 17, 2004 and will soon be conducting in-orbit testing at 118.7° W.L. Following testing, Telesat plans to drift Anik F2 to the nominal 111.1° W.L. orbital location. Prior to commencing commercial operation at 111.1° W.L., however, Telesat seeks temporarily to locate Anik F2 at 111.14° W.L. (+/- 0.05°) while it accepts traffic from Anik E2R, the current satellite operating at, and approved to serve U.S. earth stations from, 111.1° W.L.<sup>3</sup> To ensure safe stationkeeping while both Anik F2 and Anik E2R are co-located at the nominal 111.1° W.L. orbital location, Telesat also is filing a request to modify the Permitted List entry for Anik E2R. The requested modification would allow operation of Anik E2R at 111.06° W.L. with a limited stationkeeping box of +/- 0.03° in mid to late September to early October 2004. Following the traffic transfer, which is expected to occur in early October 2004,

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<sup>1</sup> 47 C.F.R. § 25.137.

<sup>2</sup> 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) ("*Anik F2 Order*").

<sup>3</sup> 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*").

Anik F2 will be moved to 111.1° W.L. and will serve U.S. earth station customers from that location in accordance with its current Permitted List entry.<sup>4</sup>

Granting this request 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 no other information on file with and approved by the Commission as part of its Petition to add Anik F2 to the Permitted List at 111.1° W.L. will change during the brief period in which Anik F2 operates from the 111.14° W.L. (+/- 0.05°) orbital location and Telesat incorporates that information by reference.<sup>5</sup>

## **2. Request to Add Anik F2 at 111.14° W.L. to the Permitted List**

Although Anik F2 will serve U.S. customers from the 111.1° W.L. orbital location on a long-term basis it cannot do so until it has received traffic from Anik E2R, the current occupant of that orbital location. 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 F2's orbital location and stationkeeping box will be 111.14° W.L. +/- 0.05° (*i.e.*, 111.09° to 111.19°) instead of its approved orbital location and stationkeeping box of 111.1° W.L. +/- 0.05° (*i.e.*, 111.06° to 111.16°).

Because operation at 111.17°, 111.18°, and 111.19° would fall outside the scope of the current Permitted List entry, Telesat seeks a new entry, on a special and temporary basis, to

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<sup>4</sup> See generally *Anik F2 Order*.

<sup>5</sup> See Telesat Canada, *Petition for Declaratory Ruling For Inclusion of Anik F2 on the Permitted Space Station List*, File No. SAT-PDR-20010906-00082 (filed Sept. 6, 2001); see also Telesat Canada, *Petition for Declaratory Ruling to Serve the U.S. Market Using Ka-band Capacity on Anik F2*, File No. SAT-PDR-20020321-00027 (filed Mar. 21, 2002). 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 during this period.

reflect the slight shift in orbital location. After completing the traffic transfer, Telesat will serve U.S. customers from the 111.1° W.L. orbital location as initially requested and consistent with the *Anik F2 Order*.<sup>6</sup> For this reason, a special and temporary entry to the Permitted List is the most appropriate mechanism to accommodate a short-term predecessor to Anik F2's long-term operations.<sup>7</sup>

This temporary shift in the technical parameters for Anik F2 will not affect the operations of other satellites authorized to serve the United States. Telesat also certifies that there will be no discernible change to any other information provided in its Petition for Declaratory Ruling or the technical exhibit attached thereto, which the FCC already approved when it placed Anik F2 on the Permitted List at 111.1° W.L.<sup>8</sup> Moreover, Industry Canada is aware of and has no difficulty with the required, temporary operations of Anik F2 at the 111.14° W.L. (+/- 0.05°) orbital location. Indeed, because the satellite will continue to operate within the limits specified in provision 22.8 of the ITU *Radio Regulations*, no formal authorization by Industry Canada is required.

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<sup>6</sup> See generally *Anik F2 Order*.

<sup>7</sup> The public interest would be served by the temporary inclusion of Anik F2 at 111.14° W.L. on the Permitted List because this temporary Permitted List entry would ensure safe co-location of satellites at the nominal 111.1° W.L. orbital location and continuity of service to U.S. earth stations. Telesat notes that special temporary inclusion on the Permitted List is analogous to special temporary authority under Section 25.120 granted to U.S. licensed spacecraft in similar situations regarding brief co-location of a replacement satellite. See 47 C.F.R. § 25.120.

<sup>8</sup> See n.5, *supra*.