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

JUL 21 2006
Federal Communications Commission
Office of Secretary

In the Matter of)
)
Satelites Mexicanos S.A. de C.V.)
)
Petition for a Declaratory Ruling)
To Add Satmex 6 to the)
Permitted Space Station List)

File No. SAT-PPL-20060329-00030

Received

JUL 24 2006

Policy Branch
International Bureau

COMMENT OF TELESAT CANADA

Telesat Canada ("Telesat") wishes to provide the Federal Communications Commission ("FCC" or "Commission") with the following comment on the above referenced Satelites Mexicanos S.A. de C.V. ("Satmex") petition for a declaratory ruling to add Satmex 6, located at the 113° WL orbital position, to the Commission's Permitted Space Station List ("Permitted List").¹ As Satmex notes in its petition, Satmex 6 is a replacement satellite for Solidaridad 2, a satellite which was placed on the Commission's Permitted List at this location in October 2000.²

Telesat is a Canadian-licensed satellite operator and is well known to the Commission, having had a number of its Fixed-Satellite Service ("FSS") satellites placed on the FCC's Permitted List³ and another recent application pending.⁴ The locations of these Canadian satellites in the North American arc range from 107.3° to 118.7° WL, or less than six degrees of separation from the Satmex 6 location of 113° WL. Indeed, Telesat's Anik F2 satellite, which is

¹ *Satelites Mexicanos, S.A. de C.V. Petition for Declaratory Ruling To Add Satmex 6 to the Permitted Space Station List*, File No. SAT-PPL-20060329-00030 (filed Mar. 29, 2006) ("Satmex 6 Petition").

² See *Satelites Mexicanos, S.A. de C.V. Petition for Declaratory Ruling*, Order, 15 FCC Rcd 19,311 (2000) (adding Solidaridad 2 and Satmex 5 to the Permitted List) ("*Solidaridad 2 and Satmex 5 Order*").

³ *Telesat Canada: Request for Declaratory Ruling or Petition for Waiver on Earth Stations' Use of Anik E1 and Anik E2 Satellite Capacity to Provide Basic Telecommunications Service in the United States*, Order, 15 FCC Rcd 3649, 3653 (¶ 13) (Int'l Bur. 1999) ("Anik E1 and E2 Order"); *Telesat Canada: Petition for Declaratory Ruling For Inclusion of Anik F1 on the Permitted Space Station List*, Order, 15 FCC Rcd 24828, 24831 (¶ 10) (Int'l Bur. 2000) ("Anik F1 Order"); *Telesat Canada: Petition for Declaratory Ruling for Inclusion of Anik F2 on the Permitted Space Station List*, Order, 17 FCC Rcd 25287, 25291 (¶ 11) (Int'l Bur. 2002) ("Anik F2 Order"). In the Anik F2 Order the Commission also granted Telesat authority to offer two-way broadband services at Ka-band in the U.S. market. *Telesat (Anik F1R) Petition for Declaratory Ruling for a Replacement Satellite*, File No. SAT-PPL-20050504-00094 (approved July 15, 2005).

⁴ *Telesat Canada: Petition for Declaratory Ruling for Anik F3 to be Added to the Permitted List*, SAT-PPL-20060516-00061 (filed May 16, 2006).

on the Permitted List and authorized to serve the U.S., is at 111.1° WL, or 1.9 degrees of separation. Accordingly, Telesat has a significant direct interest in the proper operation of Satmex 6 at 113° WL.

Because of the close proximity of the Telesat and Satmex satellite orbital locations, Telesat and Satmex have entered into a comprehensive coordination agreement to ensure that neither party causes unacceptable interference into the other party's satellite network operations. The agreement currently in force was concluded in August 2003 ("the 2003 Agreement").

Telesat and Satmex have reached agreement concerning the operational measures that would be required for Satmex 6 to ensure compliance of its operation with the 2003 Agreement. These measures include, for example, operating certain transponders in a backed-off mode to ensure that the EIRP and EIRP density limits set out in the 2003 Agreement will be met for Satmex 6 operations. Telesat notes that these measures are not inconsistent with the technical information that Satmex filed with the Commission in support of its Permitted List application, but must be taken if Satmex 6 is to operate in compliance with the 2003 Agreement.

Accordingly, Telesat has no objection to Satmex 6 being added to the Commission's Permitted List, provided that the Commission includes a condition requiring Satmex's operation of Satmex 6 to comply with its 2003 Agreement with Telesat. Such a condition would be consistent with Satmex's statements in its pending petition that "Satmex has completed all required coordinations with U.S. and Canadian satellite operators for the Satmex 6 satellite" and that "[a]ll traffic on the Satmex 6 satellite will be in accordance with these coordination agreements".⁵ Telesat notes that such a condition would also be consistent with the ordering clause in the Solidaridad 2 and Satmex 5 Order that "...access to the Solidaridad 2 and SatMex 5 satellite networks SHALL BE in compliance with the satellite coordination agreement between SatMex of Mexico, Telesat Canada, and Industry Canada, signed in Istanbul on May 31, 2000, and any future modifications to which the parties agree."⁶ (emphasis in original)

⁵ Satmex 6 Petition at 2.

⁶ Solidaridad 2 and Satmex 5 Order at ¶22.

Respectfully submitted,
Telesat Canada



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July 21, 2006

CERTIFICATE OF SERVICE

I, Christopher E. Ryan, do hereby certify that on July 21, 2006 I served a copy of the aforementioned **Comment of Telesat Canada** upon the following parties either by U.S. first-class mail, postage pre-paid, or by electronic mail delivery (*):

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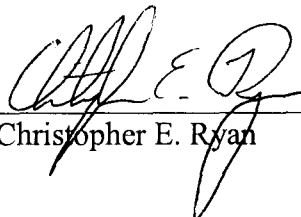
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