

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

In the Matter of	)	
	)	
TELESAT CANADA	)	File No. SAT-PPL-20060516-00061
	)	
Petition for Declaratory Ruling for Inclusion of	)	
ANIK F3 on the Permitted Space Station List	)	
	)	
	)	
	)	

**ORDER**

**Adopted: January 18, 2007**

**Released: January 19, 2007**

By the Chief, Satellite Division, International Bureau:

**I. INTRODUCTION**

1. In this Order, we grant Telesat Canada's (Telesat's) request for a declaratory ruling to add the C- and Ku-band payloads of ANIK F3 to the Commission's Permitted Space Station List (Permitted List), subject to the conditions. ANIK F3 is a Geostationary Satellite Orbit (GSO) satellite authorized by Canada to operate in the Fixed-Satellite Service (FSS) at the 118.7° W.L. orbital location. We also grant Telesat's requests for waiver of certain satellite technical requirements where necessary, and its request for waiver of the bond requirement in light of the fact that another party has already filed a bond for ANIK F3. Once ANIK F3 is operational, all U.S. earth stations with "routine" technical parameters may communicate with it in the conventional C- and Ku-bands to provide a variety of fixed-satellite service (excluding direct-to-home service) to U.S. customers.<sup>1</sup> Providing U.S. earth stations the ability to communicate with ANIK F3 could stimulate competition by providing U.S. consumers with more alternatives in communications services and providers.

**II. BACKGROUND**

2. The Commission's 1997 *DISCO II Order*<sup>2</sup> implemented the satellite market-opening commitments made by the United States in the World Trade Organization Agreement on Basic Telecommunications Services (WTO Basic Telecom Agreement).<sup>3</sup> In addition, the *DISCO II Order* set forth a public interest analysis for evaluating applications from non-U.S. licensed satellite system

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<sup>1</sup> The "conventional C and Ku-bands" refers to the 3700-4200 MHz/5925-6425 MHz and 11.7-12.2 GHz/14.0-14.5 GHz frequency bands, respectively.

<sup>2</sup> Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Satellites to Provide Domestic and International Satellite Service in the United States, *Report and Order*, IB Docket No. 96-111, 12 FCC Rcd 24094 (1997) (*DISCO II* or *DISCO II Order*).

<sup>3</sup> The WTO came into being on January 1, 1995, pursuant to the Marrakesh Agreement Establishing the World Trade Organization (The Marrakesh Agreement), 33 I.L.M. 1125 (1994). The Marrakesh Agreement includes multilateral agreements on trade in goods, services, intellectual property and dispute settlement. The General Agreement on Trade in Services (GATS) is Annex 1B of the Marrakesh Agreement, 33 I.L.M. 1167 (1994). The WTO Telecom Agreement was incorporated into the GATS by the Fourth Protocol to the GATS (April 30, 1996), 36 I.L.M. 354 (1997).

operators who intend to offer service in the United States. Under this framework, the Commission considers the effect on competition in the U.S. market,<sup>4</sup> spectrum availability,<sup>5</sup> eligibility and operating (e.g., technical) requirements,<sup>6</sup> and national security, law enforcement, foreign policy and trade concerns.<sup>7</sup> The Commission analyzes applications from WTO Members to provide WTO-covered services under the presumption that they will "satisfy the competition component of the public interest analysis."<sup>8</sup>

3. In addition, the Commission adopted a framework under which non-U.S. satellite system operators could request authority to serve the United States. Under this framework, a service provider in the United States could apply for an earth station license that would enable the earth station to access a foreign satellite.<sup>9</sup> In the alternative, the operator of a non-U.S. satellite offering fixed-satellite service could request authority to provide space segment capacity service to licensed earth stations in the United States by filing a petition to be added to the Permitted Space Station List. This list includes all satellites with which U.S. earth stations with routinely-authorized technical parameters (known as "ALSAT" earth stations) are permitted to communicate without additional Commission action, provided that those communications fall within the same technical parameters and conditions established in the earth stations' original licenses.<sup>10</sup> The Permitted Space Station List is maintained on our website, and is also available via fax or e-mail.<sup>11</sup>

4. On December 20, 2005, the International Bureau (Bureau) granted EchoStar Satellite, LLC's (EchoStar's) request for a blanket authorization for one million U.S.-licensed receive-only earth stations that would receive Direct-to-Home (DTH) Fixed Satellite Service programming from ANIK F3 satellite in the Ku-band.<sup>12</sup> Among other things, the Bureau found that Telesat was legally qualified to provide service in the United States and that ANIK F3's Ku-band operations complied with all applicable technical requirements. Further, as with all other satellites licensed to serve the United States—including U.S.-licensed satellites—the Bureau required EchoStar to demonstrate that ANIK F3 meets specified implementation milestones and required EchoStar to post a \$3 million bond payable to the U.S. Treasury in the event those milestones were not met.<sup>13</sup>

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<sup>4</sup> *DISCO II*, 12 FCC Rcd at 24107-56 (paras. 30-145).

<sup>5</sup> *DISCO II*, 12 FCC Rcd at 24157-59 (paras. 146-50).

<sup>6</sup> *DISCO II*, 12 FCC Rcd at 24159-69 (paras. 151-74).

<sup>7</sup> *DISCO II*, 12 FCC Rcd at 24169-72 (paras. 175-82).

<sup>8</sup> *DISCO II*, 12 FCC Rcd at 24112 (para. 38).

<sup>9</sup> *DISCO II*, 12 FCC Rcd at 24174 (para. 186). For a more detailed summary of the *DISCO II* framework, see Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, First Order on Reconsideration, IB Docket No. 96-111, 15 FCC Rcd 7207, 7209-10 (paras. 4-5) (1999) (*DISCO II First Reconsideration Order*).

<sup>10</sup> *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7214-16 (paras. 16-20). "ALSAT" means "all U.S.-licensed space stations." Originally, under an ALSAT earth station license, an earth station operator providing fixed-satellite service in the conventional C- and Ku-bands could access any U.S. satellite without additional Commission action, provided that those communications fall within the same technical parameters and conditions established in the earth stations' licenses. See *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7210-11 (para. 6). The *DISCO II First Reconsideration Order* expanded ALSAT earth station licenses to permit access to any satellite on the Permitted List. *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7215-16 (para. 19).

<sup>11</sup> *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7215-16 (para. 19).

<sup>12</sup> See EchoStar Satellite, LLC, *Order and Authorization*, 20 FCC Rcd 20083 (Int'l Bur. 2005) (*EchoStar Blanket Authorization Order*).

<sup>13</sup> *EchoStar Blanket Authorization Order*, 20 FCC Rcd at 20089 (para. 14).

5. On May 16, 2006, Telesat filed the above-captioned petition for declaratory ruling, seeking to add the C- and Ku-band payloads of ANIK F3 to the Permitted List. Telesat intends to use these payloads to provide fixed-satellite services (excluding direct-to-home services) to the U.S. market. Telesat also requests waivers of three sections of the Commission's rules: (1) Section 25.210(a)(3), requiring all C-band space stations to have the capability to switch polarization sense upon ground command,<sup>14</sup> (2) Section 25.210(i), which states that "[s]pace station antennas in the Fixed-Satellite Service must be designed to provide a cross-polarization isolation such that the ratio of the on axis co-polar gain to the cross-polar gain of the antenna in the assigned frequency band shall be at least 30 dB within its primary coverage area,"<sup>15</sup> and (3) Section 25.137(d)(4), requiring the posting of a bond for all non-U.S. licensed satellite systems not currently in orbit.<sup>16</sup> For the reasons set forth below, we grant Telesat's petition for declaratory ruling. We also grant its waiver requests where necessary, with conditions in some cases.<sup>17</sup>

### III. DISCUSSION

#### A. General Framework and Competition Considerations

6. We evaluate Telesat's petition to place ANIK F3 on the Commission's Permitted List under the framework set forth in *DISCO I*. Because ANIK F3 is licensed by a WTO Member nation (Canada), and the services that are included in this petition are covered by the U.S. commitments under the WTO Basic Telecom Agreement (FSS, except for direct-to-home services), the evaluation presumes that entry by ANIK F3 will further competition in the United States. There is no evidence to refute this presumption, and therefore, we conclude that the entry of ANIK F3 into the U.S. market will result in enhanced competition for fixed-satellite services.

#### B. Eligibility Requirements

##### 1. Legal Qualifications

7. Under *DISCO II*, the Commission requires non-U.S. space station operators to meet the same technical, legal and financial qualifications that U.S.-licensed space station operators must meet to obtain a license.<sup>18</sup> In the *EchoStar Blanket Authorization Order*, the Bureau determined that Telesat meets the legal qualifications to offer satellite services in the United States.<sup>19</sup> Nothing in the record before us in this proceeding suggests otherwise.

##### 2. Technical Qualifications

8. The Commission's satellite licensing policy is predicated upon two-degree orbital spacing between geostationary satellites.<sup>20</sup> This policy permits the maximum use of the geostationary satellite

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<sup>14</sup> 47 C.F.R. § 25.210(a)(3).

<sup>15</sup> 47 C.F.R. § 25.210(i).

<sup>16</sup> 47 C.F.R. § 25.137(d)(4).

<sup>17</sup> In the *EchoStar Blanket Authorization Order*, the Bureau conducted a *DISCO II* analysis only for Telesat's Ku-band operations over ANIK F3. Accordingly, in this *Order*, we must conduct a complete *DISCO II* analysis for Telesat's proposed C-band FSS operations over ANIK F3.

<sup>18</sup> *DISCO II*, 12 FCC Rcd at 24161-63 (paras. 154-59).

<sup>19</sup> *EchoStar Blanket Authorization Order*, 20 FCC Rcd at 20089-90 (para. 16).

<sup>20</sup> See 47 C.F.R. § 25.140; Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations, *Report and Order*, CC Docket No. 81-704, FCC 83-184, 54 Rad. Reg. 2d 577 (released Aug. 16, 1983); *summary printed in* Licensing Space Stations in the Domestic Fixed-Satellite Service, 48 F.R. 40233 (1983).

orbit.<sup>21</sup> All space stations, including non-U.S.-licensed satellites seeking to serve the U.S. market, must comply with the Commission's technical requirements before they will be allowed to enter the U.S. market.<sup>22</sup> In the *EchoStar Blanket Authorization Order*, we found that ANIK F3's Ku-band operations complied with all applicable technical requirements. Further, based on our review of the technical information Telesat submitted, we conclude that the ANIK F3 space station's C-band operations comply with all applicable technical rules, except Section 25.210(a)(3).<sup>23</sup> Telesat requests a waiver of this rule and Section 25.210(i) of these requirements.<sup>24</sup> We discuss Telesat's waiver requests below.

#### a. Switchable Polarization

9. Section 25.210(a)(3) of the Commission's rules requires all space stations in the Fixed-Satellite Service in the C-band to be capable of switching polarization sense upon ground command.<sup>25</sup> Telesat acknowledges that ANIK F3's C-band payload transmission polarization cannot be reversed from the ground. It asserts, however, that there is good cause for waiver of this requirement.<sup>26</sup> According to Telesat, one purpose of Section 25.210(a)(3) is to enable U.S.-licensed satellites to be operated at more than one orbit location.<sup>27</sup> Telesat argues that it will operate ANIK F3 only at orbital locations designated for Canadian satellites by the 1988 U.S.-Canada-Mexico Trilateral Agreement,<sup>28</sup> and so it will not be necessary to move ANIK F3 to any other orbit location.<sup>29</sup> Telesat also asserts that another purpose of the rule is to prevent interference between adjacent fixed-satellite systems transmitting analog TV.<sup>30</sup> Telesat states that it has completed coordination with satellites adjacent to ANIK F3. Furthermore, Telesat confirms that ANIK F3 will carry FM video TV signals only on transponders that have been coordinated for such use.<sup>31</sup> Finally, Telesat states that the Commission waived Section 25.210(a)(3) with respect to three Telesat satellites in the past.<sup>32</sup>

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<sup>21</sup> See Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, *Order and Authorization*, 11 FCC Rcd 13788, 13790 (para. 6) (1996). Prior to the Commission's adoption of the two-degree spacing policy, satellites in the geostationary satellite orbit were usually spaced three or four degrees apart. By adopting rules that enabled satellite operators to place their space stations two degrees apart, the Commission was able to accommodate more geostationary satellites.

<sup>22</sup> See Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10872 (para 300) (2003) (*First Space Station Licensing Reform Order*).

<sup>23</sup> 47 C.F.R. § 25.210(a)(3).

<sup>24</sup> 47 C.F.R. § 25.210(i); Telesat Petition at 3.

<sup>25</sup> 47 C.F.R. § 25.210(a)(3).

<sup>26</sup> Telesat Petition at 3.

<sup>27</sup> Telesat Petition at 3.

<sup>28</sup> See Trilateral Arrangement Regarding Use of the Geostationary Orbit Reached by Canada, Mexico, and the United States, *Public Notice* (Sept. 2, 1988) (*Trilateral Agreement*).

<sup>29</sup> Telesat Petition at 3-4.

<sup>30</sup> Telesat Petition at 4.

<sup>31</sup> Telesat Petition at 4.

<sup>32</sup> Telesat Petition at 3, *citing* Telesat Canada, Petition for Declaratory Ruling For Inclusion of ANIK F1 on the Permitted Space Station List, *Order*, 15 FCC Rcd 24828, 24835 (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, 25293 (Int'l Bur., 2001) (*ANIK F2 Order*); Policy Branch Information, Actions Taken, *Public Notice*, 20 FCC Rcd 12489 (Int'l Bur., Sat. Div., 2005) (announcing conditional grant of petition for declaratory ruling regarding ANIK F1R).

10. The Commission may grant a waiver of its rules only if there is "good cause" for a waiver within the meaning of Section 1.3 of the Commission's rules.<sup>33</sup> Generally, the Commission may grant a waiver of its rules in a particular case only if the relief requested would not undermine the policy objective of the rule in question, and would otherwise serve the public interest.<sup>34</sup> We find that Telesat has shown good cause for a waiver of Section 25.210(a)(3) as conditioned in this Order. Telesat is correct that Commission requires polarity-switching capability for two reasons: (1) to provide U.S.-licensed satellites with the flexibility to operate at different orbital locations, and (2) to mitigate potential interference between adjacent fixed-satellite systems transmitting analog television signals.<sup>35</sup> Because Telesat will operate ANIK F3 at a Canadian orbital position, in accordance with the *Trilateral Agreement*, and because any reassignment to another Canadian-designated location falls under Canadian jurisdiction, we agree that it is not necessary for ANIK F3 to contain polarity-switching capability for reassignment purposes.<sup>36</sup> Furthermore, Telesat has already coordinated its analog TV transmissions with adjacent C-band operators serving the U.S. market, and plans to transmit such signals only on the transponders that have been coordinated for such use. Since the potential for harmful interference between FSS systems transmitting analog television signals has been mitigated, there is no need to require ANIK F3 to employ a polarity-switching capability.<sup>37</sup>

11. To ensure that the waiver of Section 25.210(a)(3) we grant here does not undercut the policies underlying this rule we place two conditions on ANIK F3's grant. First, this waiver will remain in effect only as long as ANIK F3 remains at an orbital location designated as "Canadian" under the *Trilateral Agreement*. Second, Telesat is required to operate ANIK F3 in accordance with the coordination agreements it has reached with operators of satellites that have been authorized to provide service to the U.S. market, as well as any future coordination agreements.<sup>38</sup> We will include these conditions on the Permitted List with respect to ANIK F3.

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<sup>33</sup> 47 C.F.R. § 1.3. For more on "good cause" within the meaning of Section 1.3, see *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (*WAIT Radio*); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>34</sup> *WAIT Radio*, 418 F.2d 1153; *Dominion Video Satellite, Inc., Order and Authorization*, 14 FCC Rcd 8182, 8185 (para. 5) (Int'l Bur., 1999) (*Dominion Video*).

<sup>35</sup> See, e.g., *ANIK F1 Order*, 15 FCC Rcd at 24834-35 (paras. 16-17).

<sup>36</sup> See *ANIK F1 Order*, 15 FCC Rcd at 24834-35 (para. 16).

<sup>37</sup> *ANIK F1 Order*, 15 FCC Rcd at 24834-35 (para. 16).

<sup>38</sup> These conditions are consistent with the conditions we placed on the waivers of Section 25.210(a)(3) that we granted to Telesat with respect to ANIK F1 and ANIK F2. See *ANIK F1 Order*, 15 FCC Rcd at 24835 (para. 17); *ANIK F2 Order*, 17 FCC Rcd at 24835 (para. 17).

### b. Cross-Polarization

12. Section 25.210(i) requires space station antennas in the Fixed-Satellite Service to provide cross-polarization isolation such that the ratio of the on-axis co-polarization gain to the cross-polarization gain of the antenna in the assigned frequency band shall be at least 30 dB within its primary coverage area.<sup>39</sup> Telesat states that it meets the requirements of Section 25.210(i) throughout its coverage area, with the exception of Hawaii, and thus requests a waiver of this rule.<sup>40</sup> Our review of the Schedule S and the antenna pattern contour diagram files included with the ANIK F3 petition,<sup>41</sup> however, shows that ANIK F3 meets the 30 dB requirement in all areas, including Hawaii. Thus, we find that a waiver of Section 25.210(i) is unnecessary, and we dismiss Telesat's request for waiver of this rule as moot.

### 3. Financial Qualifications

13. In its *First Space Station Licensing Reform Order*, the Commission eliminated the financial requirements then in place and replaced them with a bond requirement.<sup>42</sup> Under this new bond requirement, any entity awarded a license for a GSO satellite must execute a \$3 million bond, payable to the U.S. Treasury, within 30 days of the date of the license grant. The bond is payable upon failure to meet any implementation milestone in the license, where adequate justification for extending that milestone is not provided.<sup>43</sup> Licensees may reduce the amount of the bond upon meeting each milestone.<sup>44</sup> This applies to both U.S.-licensed satellites and satellites licensed by other countries that seek to serve the U.S. market.<sup>45</sup>

14. Telesat seeks a waiver of the bond requirement, asserting that EchoStar has already submitted a bond for ANIK F3 at 118.7° W.L., and that an additional bond for the same satellite would be duplicative.<sup>46</sup> We agree with Telesat that it is not necessary to have more than one bond posted with respect to ANIK F3 to fulfill the purposes of the bond requirement. The bond requirement was designed to discourage speculative satellite applications and expedite service to the public by requiring a financial commitment to construct and launch a satellite.<sup>47</sup> If we were to require both Telesat and EchoStar to file a \$3 million bond for ANIK F3, the bond obligations for that satellite would be double the amount normally imposed.<sup>48</sup> We see no reason to impose a \$6 million bond requirement in cases such as this, where the only significant difference between Telesat's petition for declaratory ruling and many other

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<sup>39</sup> 47 C.F.R. § 25.210(i).

<sup>40</sup> Telesat Petition at 4.

<sup>41</sup> Telesat Petition at Exhibit I.

<sup>42</sup> *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10826 (para. 170).

<sup>43</sup> *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10826 (para. 170).

<sup>44</sup> *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10826-27 (para. 172).

<sup>45</sup> *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10875 (para. 309).

<sup>46</sup> Telesat Petition at 5-6. Telesat alternatively argues that its bond amount should be reduced from \$3 million to \$750,000, if the Commission determines that a bond is required. *See* Telesat Petition at 5.

<sup>47</sup> *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10825 (para. 167), 10874-75 (para. 308).

<sup>48</sup> We note that EchoStar has requested that the Commission reduce the amount of its bond from \$3 million to \$750,000, claiming that Telesat has met its first three milestones. *See* Letter from Philip L. Malet, Counsel to EchoStar, to Marlene H. Dortch, Secretary, FCC (dated Jan. 19, 2006) (*EchoStar Letter*). We will consider EchoStar's bond reduction request in a future proceeding.

Permitted List petitions is that Telesat's petition was preceded by an application from an earth station operator seeking to communicate with that satellite. Accordingly, we conclude that Telesat has shown good cause for a waiver of the bond requirement.

### C. Spectrum Availability

15. In *DISCO II*, the Commission determined that, given the scarcity of orbit and spectrum resources, it would consider spectrum availability as a factor in determining whether to allow a non-U.S. licensed space station to serve the United States.<sup>49</sup> This is consistent with the Chairman's Note to the Basic Telecom Agreement, which states that WTO members may exercise their domestic spectrum/frequency management policies when considering foreign entry.<sup>50</sup>

16. In the *EchoStar Blanket Authorization Order*, the Bureau found that there were no spectrum availability issues present which would preclude granting its request to communicate with ANIK F3 at the 118.7° W.L. orbital location in the Ku-band for DTH services.<sup>51</sup> No objections have been raised with respect to other Ku-band services or with respect to the C-band. Moreover, Telesat has completed coordination with the adjacent satellites providing service into the United States. Accordingly, we find that there are no spectrum availability issues that would preclude us from placing ANIK F3 on the Permitted List.

### D. Other Requirements

17. As described above, under *DISCO II*, national security, law enforcement, foreign policy, and trade concerns are included in the public interest analysis.<sup>52</sup> The Bureau in the *EchoStar Blanket Authorization Order* found no reason for any such concerns with respect to Telesat and ANIK F3.<sup>53</sup> Nothing in the record before us raises any such concerns in connection with Telesat's pending application.

18. In the *First Space Station Licensing Reform Order*, the Commission adopted generic milestone requirements covering various stages in the space station procurement/licensing process from contract execution to launch and operation, and emphasized that those milestones apply to non-U.S.-licensed satellites providing service in the U.S. market.<sup>54</sup> We have already imposed a set of milestones to ANIK F3.<sup>55</sup> Accordingly, we condition the placement of ANIK F3 on the Permitted List upon Telesat meeting the milestone schedule set forth in the *EchoStar Blanket Authorization Order*.<sup>56</sup>

## IV. ORDERING CLAUSES

19. Accordingly, IT IS ORDERED that, pursuant to Sections 303(r), 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. § 303(r), 308, 309, 310, and Sections 0.261 and 25.137(c) of the Commission's rules, 47 C.F.R. §§ 0.261, 25.137(c), the Petition for Declaratory Ruling

<sup>49</sup> *DISCO II*, 12 FCC Rcd at 24159 (para 150).

<sup>50</sup> See *DISCO II*, 12 FCC Rcd at 24157-59 (paras. 146-150).

<sup>51</sup> *EchoStar Blanket Authorization Order*, 20 FCC Rcd at 20093 (paras. 25-26).

<sup>52</sup> *DISCO II*, 12 FCC Rcd at 24170-72 (paras. 178-182).

<sup>53</sup> *EchoStar Blanket Authorization Order*, 20 FCC Rcd at 20093 (para. 27).

<sup>54</sup> *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10875 (paras. 311-12); 47 C.F.R. § 25.164(a), 25.137(d)(1).

<sup>55</sup> *EchoStar Blanket Authorization Order*, 20 FCC Rcd at 20092-93 (para. 26).

<sup>56</sup> *EchoStar Blanket Authorization Order*, 20 FCC Rcd at 20092-93 (para. 26).

filed by Telesat Canada, File No. SAT-PPL-20060516-00061, to add the ANIK F3 satellite at 118.7° W.L. orbital location to the Permitted Space Station List is GRANTED, and each U.S.-licensed earth station with "ALSAT" designated as a point of communication IS GRANTED authority to provide Fixed Satellite Services (FSS), excluding Direct-to-Home Service, in the 3700-4200 MHz, 5925-6425 MHz, 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands, to, from, or within the United States, by accessing the ANIK F3 satellite at the 118.7° W.L. orbital location, subject to the conditions below.

20. IT IS FURTHER ORDERED that, unless extended by the Commission for good cause shown, ANIK F3 shall be removed from the Permitted Space Station List in the event the space station is not constructed, launched, and successfully placed into operation in accordance with the technical parameters in its Petition for Declaratory Ruling and the terms and conditions of this Order, by the dates set forth in EchoStar Satellite, LLC, *Order and Authorization*, 20 FCC Rcd 20083 (2005). These are:

- (a) Execute a contract for construction: December 20, 2006
- (b) Complete Critical Design Review: December 20, 2007
- (c) Commence Physical Construction: December 20, 2008
- (d) Launch: December 20, 2010

21. IT IS FURTHER ORDERED that Telesat Canada's request for waiver of Section 25.210(a)(3) of the Commission's rules, 47 C.F.R. § 25.210(a)(3), is GRANTED, subject to the following conditions:

- (e) This waiver will remain in effect only as long as ANIK F3 remains at an orbital location designated as Canadian under the Trilateral Arrangement.
- (f) Telesat is required to operate ANIK F3 in accordance with the coordination agreements it has reached with operators of satellites that have been authorized to provide service to the U.S. market, and any future coordination agreements.

22. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, that Telesat Canada's request for waiver of Section 25.210(i) of the Commission's rules, 47 C.F.R. § 25.210(i), is DISMISSED AS MOOT.

23. IT IS FURTHER ORDERED, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, that Telesat Canada IS GRANTED a waiver of Section 25.137(d) of the Commission's rules, 47 C.F.R. § 25.137(d), to the extent necessary to relieve Telesat Canada of the requirement to post a bond with respect to its ANIK F3 satellite.

24. This Order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION



Robert G. Nelson,  
Chief, Satellite Division  
International Bureau