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ORIGINAL

June 4, 2008

Via HAND DELIVERY

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street S.W.  
Washington, D.C. 20554

FILED/ACCEPTED

JUN - 4 2008

Federal Communications Commission  
Office of the Secretary

Re: **Notice of *Ex Parte* Presentation -- Star One S.A.**  
**File No. SAT-PPL-20071113-00159, Call Sign S2742**

Dear Ms. Dortch,

Pursuant to 47 C.F.R. § 1.1206, Star One S.A. ("Star One") hereby reports that on June 3, 2008, representatives of Star One met with Helen Domenici, Rod Porter, Robert Nelson, Karl Kensinger and Steven Spaeth of the International Bureau to discuss the above-referenced petition for declaratory ruling. Star One presented the attached slides and discussed the contents with the Bureau staff.

An original and one copy of this letter and attachment is being submitted to the Secretary in accordance with 47 C.F.R. § 1.1206(b)(2).

Yours sincerely,



Daniel C.H. Mah  
*Counsel to Star One S.A.*

Attachment

Marlene H. Dortch  
June 4, 2008  
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cc: (via email)

Helen Domenici, Chief, International Bureau  
Rod Porter, International Bureau  
Robert Nelson, International Bureau  
Karl Kensinger, International Bureau  
Steven Spaeth, International Bureau

cc: (via Federal Express)

Joaquin Restrepo  
International Affairs Advisor,  
Ministry of Communications  
Republic of Colombia  
Calle 13 X Cra 8a, Ed. Murillo Toro, Piso 4°  
Bogota, D.C., Republic of Colombia



# Star One C5

International Bureau Meeting

June 2, 2008

# Star One C5 FCC Timetable

- Nov. 13, 2007 – C5 Petition filed
- Dec. 7, 2007 – C5 Petition on Public Notice
- **No oppositions or comments filed**
- Feb. 7, 2008 – C5 Petition granted
- Mar. 10, 2008 – \$3 million bond posted
- **Mar. 13, 2008 – Andean Petition filed**

# Star One Position

- Andean Petition should be **denied** because it is procedurally infirm

– or –

- Andean Petition should be **deferred** until the Andean Community:
  - Submits a U.S. market access request; and
  - Shows likelihood of deployment within ITU deadline.

# The Andean Petition is Procedurally Defective

- A non-party may only file a petition for reconsideration if it can “show good reason why it was not possible for him to participate in the earlier stages of the proceeding.” *See* 47 C.F.R. § 1.106(b)(1).
- The Andeans gave no good reason for failing to participate earlier.
- Star One would be prejudiced by reconsideration because it posted a \$3 million bond before the Andean Petition was filed.

# **A Brief ITU History of the Simon Bolivar 2 Network**

- July 19, 1989 – First Simon Bolivar 2 ITU filing
- Numerous modifications since initial filing
- Would have expired on June 11, 2005, but for the temporary deployment of Anik E1 to 67W for 3-4 months before that satellite's end-of-life.
- Would have expired again on September 17, 2007, but for a special 3-year extension granted at WRC-2007.

# Deployment of Simon Bolivar 2 is Highly Speculative

- It is now 2008 – 19 years since the first Simon Bolivar 2 filing – and the Andeans are still “actively negotiating with industry players.” *See* Andean Petition at 2.
- Since the Andean Petition, they have apparently “signed a MoU with SES New Skies.” *See* May 15 Letter.
- Scope and nature of the MoU is unknown, and there can be no certainty that the Andeans’ will meet their new ITU deadline of September 17, 2010.



# **Andean Community Has Not Converted Previous Opportunities to Utilize Slots**

- The FCC has attempted to accommodate the Andean Community in the past.
  - In 1998, the FCC re-assigned GE-3 from 67W to 81W to accommodate the Simon Bolivar 2 network.
  - In 1999, the FCC granted PanAmSat “temporary” operating authority, subject to conditions to protect a planned Andean network at 61W.
- A decade later, no Andean satellite occupies either slot.

# Star One Delivers on Commitments to FCC

- Star One stands ready, willing and able to deploy a satellite to 68W.
- Consistent record of meeting FCC expectations:
  - Star One C1 – launched in 2007
  - Star One C2 – launched in 2008
  - Star One C5 – timely posted a bond

# **Andean Petition Should be Deferred**

- It is premature for the FCC to consider the Andean Petition.
- Deployment of the Simon Bolivar 2 network is highly speculative.