



Federal Communications Commission
Washington, D.C. 20554

DA 09-761

April 02, 2009

Mr. Donald M. Jansky
Jansky-Barmat Telecommunications, Inc.
1120 19th Street, N.W.
Washington, D.C. 20036-3614

Re: HISPAMAR SATÉLITES, S.A., Petition for Declaratory Ruling to add the AMAZONAS-2 Satellite at 61° W.L. to the Commission's Permitted Space Station List, IBFS File No. SAT-PPL-20081203-00219 (Call Sign: S2779)

Dear Mr. Jansky:

On December 3, 2008, HISPAMAR SATÉLITES, S.A. (HISPAMAR) filed the above-captioned Petition for Declaratory Ruling to add the AMAZONAS-2 satellite, licensed by Brazil, to the Commission's Permitted Space Station List.¹ For reasons discussed below, we dismiss the petition as defective, without prejudice to refileing.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any space station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. Section 25.137(b) of the Commission's rules, 47 C.F.R. § 25.137(b), requires entities filing a Petition for Declaratory Ruling to serve the United States from a non-U.S. licensed space station to provide technical information for the space station in accordance with Part 25. HISPAMAR's petition does not provide certain information required by Section 25.114(d) of the Commission's rules, which renders the petition unacceptable for filing and subject to dismissal. The deficiencies are as follows:

HISPAMAR's petition does not provide link budgets for the AMAZONAS-2 satellite, as required by Sections 25.114(d)(4) of the Commission's rules, 47 C.F.R. § 25.114(d)(4). This information is required to assess the effects of each contributing noise and interference source.

In addition, HISPAMAR's petition is missing technical information concerning the orbital debris mitigation plans for the AMAZONAS-2 satellite, which is required by Section 25.114(d)(14) of the Commission's rules.² Specifically, HISPAMAR's petition is missing the following information regarding orbital debris mitigation:

- The statement required by Section 25.114(d)(14)(i) that the operator has assessed and limited the amount of debris released in a planned manner during normal operations, and that it has assessed

¹ The Commission's Permitted Space Station List comprises all satellites with which United States earth stations, with "routinely" authorized technical parameters and operating in the conventional C- or Ku-bands, are permitted to communicate, without additional Commission action.

² See 47 C.F.R. § 25.114(d)(14). The Commission requires entities that request a ruling for access to a non-U.S.-licensed space station to serve the U.S. market to submit the same information concerning the orbital debris mitigation plans of the non-U.S.-licensed space station as that submitted by U.S.-licensed space stations. See *Mitigation of Orbital Debris, Second Report and Order*, 19 FCC Rcd 11567 (para. 92) (2004).

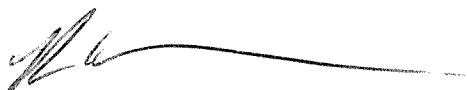
- and limited the probability of the space station becoming debris by collisions with small debris or meteoroids that could cause loss of control and prevent post-mission disposal.
- The assessment required by Section 25.114(d)(14)(ii) that the space station operator has assessed and limited the probability of accidental explosions during and after the completion of mission operations, including a demonstration that addresses whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source stored energy, or through other equivalent procedures specifically disclosed in the application.
 - The assessment required by Section 25.114(d)(14)(iii) whether there are any known satellites located at, or reasonably expected to be located at, the requested geostationary orbital location, or assigned in the vicinity of that location, such that the station keeping volumes of the respective satellites might overlap. If so, the statement must include the identities of those parties and the measures that will be taken to prevent collisions.
 - The statement required by Section 25.114(d)(14)(iv) detailing the post-mission plans for the space station at end of life, including the quantity of fuel – if any- that will be reserved for post-mission disposal maneuvers. The statement must disclose the altitude selected for a post-mission disposal orbit and the calculations that are used in deriving the disposal orbit.

When re-filing, HISPAMAR may wish to consult the Public Notice released by the International Bureau regarding information that is to be supplied in connection with the Commission's orbital debris mitigation rules. *See* Public Notice, Disclosure of Orbital Debris Mitigation Plans, Including Amendment of Pending Applications, 20 FCC Rcd 16278, DA 05-2698 (Int'l Bur. Sat. Div. rel. Oct. 13, 2005).

Although not a ground for dismissal, we also request HISPAMAR to clarify, in any re-filing, the status of AMAZONAS-1. AMAZONAS-1 is a Ku-band satellite that is currently located at the 61° W.L. orbital location. This is the same location at which HISPAMAR intends to operate AMAZONAS-2.³ In particular, we request HISPAMAR to clarify any plans to de-orbit AMAZONAS-1 or to co-locate it with AMAZONAS-2.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the petition of HISPAMAR SATÉLITES, S.A. without prejudice to re-filing.

Sincerely,



Robert G. Nelson
Chief, Satellite Division
International Bureau

³ See Petition for Declaratory Ruling to Add the AMAZONAS-2 Satellite at 1.