

File # SAT-PPL-20091208-00142

Call Sign S2802 Grant Date 06/04/10
(or other identifier)

Approved by OMB
3060-0678

Term Dates

From 06/04/10 To: _____

Approved: Stephen J. Duall

Stephen J. Duall
Chief, Satellite Policy Branch



Date & Time Filed: Dec 8 2009 5:38:45:793PM
File Number: SAT-PPL-20091208-00142
Callsign/Satellite ID: S2802

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	FCC Use Only
--	--------------

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
PDR NSS-5 at 20W

1-8. Legal Name of Applicant	
Name:	New Skies Satellites B. V.
DBA Name:	
Street:	2001 L Street, NW Suite 800
City:	Washington
Country:	USA
Attention:	Ms Joslyn Read
Phone Number:	202-478-7183
Fax Number:	202-478-7101
E-Mail:	joslyn.read@ses.com
State:	DC
Zipcode:	20036

Attachment to Grant
IBFS File Nos. SAT-PPL-20091208-00142, SAT-APL-20100219-00034
Call Sign S2802
June 4, 2010

The Petition for Declaratory Ruling filed by New Skies Satellites, B.V. (New Skies), IBFS File No. SAT-PPL-20091208-00142, as amended by SAT-APL-20100219-00034, is granted.¹ Accordingly, New Skies' in-orbit NSS-5 space station (Call Sign S2802), licensed by the Netherlands, is added to the Permitted Space Station List (Permitted List) and each U.S.-licensed earth station with "ALSAT" designated as a point of communication is granted authority to provide Fixed-Satellite Services (FSS) in the 3700-4200 MHz (space-to-Earth) and 5925-6425 MHz (Earth-to-space) frequency bands to, from, or within the United States, by accessing the NSS-5 space station at the 20° W.L. orbit location, subject to the parameters set forth in its earth station license. These operations must be in accordance with the terms, conditions and technical specifications set forth in New Skies' petition, the Federal Communications Commission (Commission) rules not waived herein, and the following conditions:

1. NSS-5 is not authorized to provide any Direct-to-Home (DTH) service, Direct Broadcast Satellite (DBS) service, or Digital Audio Radio Service (DARS) to, from, or within the United States.
2. Communications between U.S.-licensed earth stations and the NSS-5 space station shall be in compliance with all existing and future space station coordination agreements reached between the Netherlands and other administrations.
3. New Skies' request for waiver of Section 25.202(g) of the Commission's rules, 47 C.F.R. § 25.202(g), is granted, as conditioned. Section 25.202(g) requires "telemetry, tracking and telecommand (TT&C) functions for U.S. domestic satellites shall be conducted at either or both edges of the allocated band(s). Frequencies, polarization and coding shall be selected to minimize interference into other satellite networks and within their own satellite system." New Skies proposes to place its TT&C in the center of the standard C-band. This waiver grant is based upon findings that there is currently no potential for harmful interference from TT&C operations in the center of the C-band, the use of which has already been coordinated for Intelsat 603, and thus would not present a different interference situation to neighboring satellites or require additional coordination, and that there would be an undue hardship to customers if they were required to reconfigure existing antennas to operate at the edges of the C-band. As a condition of this waiver, New Skies must accommodate future space station networks that are compliant with Section 25.202(g). Further, New Skies must operate the C-band frequencies of NSS-5 pursuant to any existing or future coordination agreements for this location.
4. New Skies' request for waiver of Section 25.210(a)(1) of the Commission's rules, 47 C.F.R. 25.210(a)(1) is granted, as conditioned. Section 25.210(a)(1) requires that C-band operations use orthogonal linear polarization. New Skies employs circular polarization. This waiver grant is based upon findings that there is currently no potential for harmful interference from operations at this location with circular polarization, and that there would be an undue hardship to customers if they were required to reconfigure existing circularly-polarized antennas to operate with linear polarization. As a condition of this waiver, New Skies must accommodate

¹ Intelsat North America LLC has separately filed an application for authorization to operate Ku-band frequencies on the NSS-5 space station at the 20° W.L. orbital location. *See* IBFS File No. SAT-A/O-20091208-00141 (granted June 4, 2010).

Attachment to Grant
IBFS File Nos. SAT-PPL-20091208-00142, SAT-APL-20100219-00034
Call Sign S2802
June 4, 2010

future space station networks that are compliant with Section 25.210(a)(1). Further, New Skies must operate NSS-5 pursuant to any existing or future coordination agreements for this location.

5. New Skies' request for waiver of Section 25.210(a)(3) of the Commission's rules, 47 C.F.R. 25.210(a)(3) is granted, as conditioned. Section 25.210(a)(3) requires FSS space stations using the C-band to be capable of switching polarization sense upon ground command. The Commission requires polarity-switching capability for two reasons: (1) to provide U.S.-licensed space stations with the flexibility to operate at different orbital locations, and (2) to mitigate potential interference between adjacent fixed space station systems transmitting analog television signals. Telesat Canada, Petition for Declaratory Ruling for of Inclusion of ANIK F3 on the Permitted Space Station List, *Order*, 22 FCC Rcd 588 (para. 10) (Int'l Bur., Sat. Div. 2007). This waiver grant is based upon a finding that the ability to switch polarization is not currently necessary to protect other space stations at adjacent orbital locations from harmful interference, because the NSS-5 space station's operations will be in compliance with existing coordination agreements. As a condition of this waiver, New Skies must accommodate future space station networks that are compliant with Section 25.210(a)(3). Further, New Skies must operate NSS-5 pursuant to any existing or future coordination agreements for this location.


6. New Skies' request for waiver of Section 25.211(a) of the Commission's rules, 47 C.F.R. 25.211(a), is granted, as conditioned. Section 25.211(a) provides that downlink analog video transmissions in the C-band shall be transmitted only on a center frequency of $3700+20N$ MHz, where $N=1$ to 24, with corresponding uplink frequencies 2225 MHz higher. This waiver grant is based upon findings that New Skies designed the NSS-5 space station using the same analog TV center frequencies traditionally used by Intelsat space stations and legacy customers now using New Skies' space stations, and that existing analog video operations at the 20° W.L. orbital location are fully coordinated and will not cause interference to adjacent space station operators. As a condition of this waiver, New Skies must accommodate future space station networks serving the United States that are compliant with Section 25.211(a). Further, New Skies must operate NSS-5 pursuant to any existing or future coordination agreements for this location.

7. This grant of market access will terminate in the event that the NSS-5 space station is either relocated from the 20° W.L. orbital location, or ceases to operate. In either case, NSS-5 will be removed from the Permitted List. If New Skies wishes to continue to provide service to the U.S. from the 20° W.L. orbital location using another space station, it must file a new application to have that space station placed on the Permitted List.

8. New Skies is afforded thirty days from the date of release of this action to decline this grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.

Attachment to Grant
IBFS File Nos. SAT-PPL-20091208-00142, SAT-APL-20100219-00034
Call Sign S2802
June 4, 2010

9. This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

 GRANTED* International Bureau	File # SAT-PPL-20091208-00142 SAT-APL-20100219-00034
	Call Sign S2802 Grant Date 06/04/10
	(or other identifier)
	Term Dates
	From 06/04/10 To:
Approved: <i>Stephen J. Duall</i> Stephen J. Duall Chief, Satellite Policy Branch	

*subject to conditions

9-16. Name of Contact Representative

Name: Brian Weimer Phone Number: 202-469-4904

Company: Sheppard Mullin Richter & Hampton, LLP Fax Number: 202-312-9446

Street: 1300 I Street, NW E-Mail: bweimer@sheppardmullin.com

11th Floor East

City: Washington State: DC

Country: USA Zipcode: 20005 -3314

Attention: Brian Weimer 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)

<p>17c. Is a fee submitted with this application? <input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114). <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input checked="" type="radio"/> Other (please explain): Permitted List Application</p>	<p>17c. Fee Classification BNY – Space Station (Geostationary)</p>
<p>18. If this filing is in reference to an existing station, enter: (a) Call sign of station: Not Applicable</p>	<p>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</p>

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.

<p>29. Is the applicant a foreign government or the representative of any foreign government?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>30. Is the applicant an alien or the representative of an alien?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>31. Is the applicant a corporation organized under the laws of any foreign government?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>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?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>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?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>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.</p>	
<p>BASIC QUALIFICATIONS</p>	
<p>Exhibit A</p>	

<p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>	<p><input checked="" type="radio"/> Yes <input 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>

<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.</p>	<p>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"; party to the application; for these purposes.</p>	<p>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.</p>	<p>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? The Netherlands</p>
---	--	--	---

Exhibit B

Yes No

Yes No

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.)

New Skies Satellites B.V. (doing business as 'SES WORLD SKIES') seeks a Petition for Declaratory Ruling to add NSS-5 to the Permitted Space Station list at the 20.0 W.L. orbital location.

Narrative

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

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.

<p>44. Applicant is a (an): (Choose the button next to applicable response.)</p> <p style="text-align: center;"> <input type="radio"/> Individual <input type="radio"/> Unincorporated Association <input type="radio"/> Partnership <input checked="" type="radio"/> Corporation <input type="radio"/> Governmental Entity <input type="radio"/> Other (please specify) </p>	
<p>45. Name of Person Signing Thai E. Rubin</p>	<p>46. Title of Person Signing General Counsel</p>
<p>47. Please supply any need attachments.</p> <p>1:</p> <p style="text-align: center;">2:</p> <p style="text-align: center;">3:</p>	
<p>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).</p>	

Completed Schedule S

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 0.25 – 24 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD–PERM, Paperwork Reduction Project (3060–0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060–0678.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104–13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.