

S2818 SAT-PPL-20101103-00230 IB2010003419
SES Satellites (Gibraltar) Limited
NSS-703

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File # SAT-PPL-20101103-00230
Call Sign S2818 Grant Date 10/13/11
(or other identifier) Term Dates
From 10/13/11 To:
Approved: Stephen J. Duall
Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678



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

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
PDR NSS-703 at 47.05W

1-8. Legal Name of Applicant		FCC Use Only
Name:	SES Satellites (Gibraltar) Limited	609-987-4088
DBA Name:		
Street:	Suite 9A Leanse Place	john.nelsen@ses.com
City:	50 Town Range	
Country:	Gibraltar	
Attention:	John Nelsen	
State:		
Zipcode:		

Attachment to Grant
SES Satellites (Gibraltar) Limited
IBFS File Nos. SAT-PPL-20101103-00230 and SAT-APL-20110120-00015
Call Sign S2818

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 filed by SES Satellites (Gibraltar) Limited (SES Gibraltar), IBFS File Nos. SAT-PPL-20101103-00230 and SAT-APL-20110120-00015, to add the NSS-703 space station (Call Sign S2818) to the Commission's Permitted Space Station List (Permitted List) at the 47.05° W.L. orbital location in the 3700-4200 MHz (space-to-Earth) and 5925-6425 MHz (Earth-to-space) frequency bands ("conventional C-band"), and the 11.7-11.95 GHz (space-to-Earth) and 14.0-14.5 GHz (Earth-to-space) frequency bands ("conventional Ku-band") is GRANTED.¹ SES Gibraltar is licensed by the Gibraltar Regulatory Authority.² Accordingly, each U.S. licensed earth station with "ALSAT" designated as a point of communication is granted authority to provide Fixed-Satellite Service (FSS) to, from, or within the United States, by accessing the NSS-703 space station at the 47.05° W.L. orbital location in the conventional C- and Ku-bands, subject to the parameters set forth in its earth station license.³ These operations must be in accordance with the terms, conditions, and technical specifications set forth in SES Gibraltar's petition, the Federal Communications Commission's rules not waived herein, and the following conditions:

1. NSS-703 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.

¹ Intelsat Licensee LLC filed comments in this proceeding requesting that the Commission condition a grant of U.S. market access to NSS-703 on the successful completion of the International Telecommunication Union (ITU) coordination process. See Comments of Intelsat Licensee LLC, filed March 3, 2011. Intelsat states that the operations of NSS-703 could cause harmful interference to Intelsat's U.S.-licensed space stations currently operating at the 45.0° W.L., 43.0° W.L., 50.0° W.L., and 53.0° W.L. orbital locations – all more than two degrees away from 47.05° W.L. Nevertheless, Intelsat requests that we require NSS-703 operate on a non-interference basis until SES Gibraltar completes the ITU coordination process. *Id.* at 5. We decline to impose this condition. The Commission's two-degree spacing policy requires all entities seeking Commission authorization for space or earth station operations to demonstrate that such operations will not cause harmful interference to space stations operating in the same frequency bands as close as two degrees away. See *Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations*, Report and Order, FCC 83-184, 54 Rad. Reg. 2d (P&F) 577 (1983) and *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*, Report and Order, IB Docket No. 96-111, 12 FCC Rcd 24904, 24162 ¶ 159 (1997) (*DISCO II Order*). SES Gibraltar has provided such an interference analysis, and Intelsat does not challenge its sufficiency. Although SES has requested and received waivers of certain technical rules, we conclude the NSS-703's operations, as conditioned herein, will not cause harmful interference to space stations operating in the same frequency bands as close as two degrees away. Accordingly, it is not necessary to impose the additional condition requested by Intelsat in this grant of market access. We note, however, that our grant of market access does not signify agreement to the Gibraltar ITU filing at 47.05° W.L.

² SES Gibraltar's affiliate, New Skies Satellites B.V. (New Skies) will operate NSS-703 at the 47.05° W.L. orbital location pursuant to an authorization issued to New Skies pursuant to The Netherlands' Space Activities Act.

³ NSS-703 is also capable of using certain extended Ku-band frequencies (10.95-11.2 GHz, 11.45-11.7 GHz, and 12.5-12.75 GHz). Although SES Gibraltar provided technical data about these extended Ku-band frequencies as part of its petition, it states that it will file a separate application to use these frequencies in the U.S. at a later date. Accordingly, these extended Ku-band frequencies are not part of this market access grant.

Attachment to Grant
SES Satellites (Gibraltar) Limited
SAT-PPL-20101103-00230 and SAT-APL-20110120-00015
Call Sign S2818

2. Communications between ALSAT-designated earth stations and the NSS-703 space station shall be in compliance with all existing and future space station coordination agreements reached between Gibraltar and other Administrations.

3. SES Gibraltar's request for a waiver of 47 C.F.R § 25.202(g) is GRANTED, as conditioned. Section 25.202(g) requires that "telemetry, tracking, and telecommand functions for U.S. domestic satellites shall be conducted at either or both edges of the allocated bands. Frequencies, polarization, and coding shall be selected to minimize interference into other satellite networks and within their own satellite system." SES Gibraltar proposes to place its telemetry, tracking, and telecommand (TT&C) functions near the center of the conventional C-band at the 47.05° W.L. orbital location, which is within the orbital arc that provides coverage to the United States. The NSS-703 space station was placed into operation in 1994 in order to provide service outside of the U.S., and the TT&C frequencies upon which it relies cannot be altered. We grant a limited waiver of Section 25.202(g) subject to the following conditions:

- a. SES Gibraltar must coordinate its TT&C operations with space stations operating within six degrees of the NSS-703 space station;
- b. Notwithstanding international coordination status, SES Gibraltar's TT&C operations of NSS-703 in the conventional C-band must be on a non-interference basis, *i.e.*, SES Gibraltar's TT&C operations may not cause harmful interference to, or claim protection from, any authorized space stations operating in the conventional C-band frequencies and SES Gibraltar shall cease TT&C operations immediately upon notification of such interference;
- c. In the event SES Gibraltar is notified of interference, it may request special temporary authority to operate TT&C under an alternate plan;
- d. Within 90 days of the grant of this authorization, SES Gibraltar must file a comprehensive plan detailing how it will protect other authorized operators in the conventional C-band. This plan should specify NSS-703's power levels, and include a list of all parties with which SES Gibraltar has coordination agreements.
- e. SES Gibraltar must accommodate future space station and earth station networks that are compliant with Section 25.202(g).

4. SES Gibraltar's request for a 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. The NSS-703 satellite uses circular polarization. This waiver is based upon the findings that: 1) the space station is in-orbit and the polarization cannot be changed; and 2) there is a minimal potential for harmful interference from operations at this location with circular polarization. As a condition of this waiver, SES Gibraltar must accommodate future space station networks that are compliant with Section 25.210(a)(1). Further, SES Gibraltar must operate NSS-703 pursuant to any coordination agreements for this location.

Attachment to Grant
SES Satellites (Gibraltar) Limited
SAT-PPL-20101103-00230 and SAT-APL-20110120-00015
Call Sign S2818

5. SES Gibraltar's request for a 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 to be capable of switching polarization sense on 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. *See* Telesat Canada, Petition for Declaratory Ruling for Inclusion of ANIK F3 on the Permitted Space Station List, *Order*, 22 FCC Rcd 588 (Int' Bur., Sat. Div. 2007). This waiver 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. As a condition of this waiver, NSS-703's operations must accommodate future space station networks that are compliant with Section 25.210(a)(3). Further, SES Gibraltar must operate NSS-703 pursuant to any coordination agreements for this location.

6. SES Gibraltar's request for a waiver of Section 25.210(i) of the Commission's rules, 47 C.F.R. § 25.210(i) is GRANTED, as conditioned. Section 25.210(i) requires FSS space station antennas to provide cross-polarization isolation such that the ratio of the on-axis co-polar gain to the crosspolar gain of the antenna in the assigned frequency band is at least 30 dB within its primary coverage area. The performance of the NSS-703 space station is 35 dB for the C-band global beam and 27 dB for all other C-band beams. For its Ku-band spot beams, the worst-case cross polarization isolation is in the 17-20 dB range. We agree that a waiver will not produce a significant increase in interference, except to SES Gibraltar itself. As a condition of this waiver, we will not permit SES Gibraltar to transmit analog video signals in the C-band frequencies into the United States unless it has coordinated such operations with adjacent satellites. Further, SES Gibraltar shall not claim more protection from interference from other licensed radiocommunication systems operating in accordance with Section 25.210(i) of the Commission's rules than it could claim if it met the cross-polarization requirements set forth in the rule.

7. SES Gibraltar's request for a waiver of 25.210(j) of the Commission's rules, 47 C.F.R. § 25.210(j) is GRANTED, as conditioned. Section 25.210(j) requires geostationary space stations to be maintained within $\pm 0.05^\circ$ of their assigned orbital locations in the East/West direction unless specifically authorized by the Commission to operate with a different longitudinal tolerance. SES Gibraltar requests a waiver to permit NSS-703 to operate with an East/West station-keeping volume of $\pm 0.10^\circ$ as specified in a letter to the Commission from the Radiocommunications Agency Netherlands.⁴ SES Gibraltar states that this extended station-keeping volume does not overlap with the station keeping volume of any known operational satellites, nor is SES Gibraltar aware of any proposed satellite to be launched or placed into orbit at the nominal 47° W.L. orbital location in the near term. We grant SES Gibraltar's request to operate NSS-703 with $\pm 0.10^\circ$ East/West longitudinal tolerance, as long as no other space station is located within the station-keeping volume of NSS-703. Should such a spacecraft be launched or relocated into the station-keeping volume of NSS-703, but would not overlap a $\pm 0.05^\circ$

⁴ SES Satellites (Gibraltar) Limited, IBFS File No. SAT-PPL-20101103-00230, Appendix B.

Attachment to Grant
SES Satellites (Gibraltar) Limited
SAT-PPL-20101103-00230 and SAT-APL-20110120-00015
Call Sign S2818

East/West station keeping volume, SES Gibraltar will be required to maintain $\pm 0.05^\circ$ East/West station-keeping, or coordinate its operations with that of the other space station.

8. SES Gibraltar's request for a 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 SES Gibraltar's statement that it does not intend to transmit analog video signals in the C-band frequencies, unless such operations are coordinated with adjacent satellites. Further, as a condition of this waiver, SES Gibraltar must accommodate future space station networks serving the United States that are compliant with Section 25.211(a). In addition, SES Gibraltar must operate NSS-703 pursuant to any coordination agreements for this location.

9. SES Gibraltar's request for a waiver of Section 25.114(c)(4)(iii) of the Commission's rules, 47 C.F.R. § 25.114(c)(4)(iii), is GRANTED. Section 25.114(c)(4)(iii) requires applicants to identify which antenna beams are connected or switchable to each transponder and tracking, telemetry, and control (TT&C) function. SES Gibraltar has submitted the combined receiver and transmitter filter response characteristics (Section 5.5 and Exhibit D in the Technical Appendix). It also states that the disaggregated filter response characteristics are not available and maintains that the aggregate characteristics it submitted provide sufficient information for an assessment of the interference potential of the satellite. We find that information provided in Section 5.5 and Exhibit D of the Technical Appendix fulfills the requirements of Section 25.114(c)(4)(iii).

10. SES Gibraltar's request for a waiver of Section 25.114(c)(10) of the Commission's rules, 47 C.F.R. § 25.114(c)(10) is GRANTED, as conditioned. Section 25.114(c)(10) requires applicants to submit information regarding the physical characteristics of the space station, including estimated operational lifetime and reliability of the space station. SES Gibraltar states that it does not have the original reliability estimates because the satellite was transferred to New Skies prior to Intelsat's privatization in 2000. We grant the waiver based on SES Gibraltar's statements that the NSS-703 space station, launched in 1994, has exceeded all reliability projections as it has survived past its design end-of-life. SES Gibraltar further states that the satellite is in good working condition and expected to survive until its estimated end of life in August 2014.

11. This grant of market access is based on SES Gibraltar's representation that it will dispose of the NSS-703 spacecraft at end of life to a minimum altitude of 150 kilometers (perigee) above the geostationary arc, that it has reserved 19.3 kilograms of fuel for this purpose, and that fuel gauging uncertainty has been and will be taken into account in these calculations, using the methods set forth in SES Gibraltar's application.

12. This grant of market access is limited to SES Gibraltar's use of the NSS-703 space station (Call Sign 2818) at the 47.05° W.L. orbital location and does not convey to SES

Attachment to Grant
SES Satellites (Gibraltar) Limited
SAT-PPL-20101103-00230 and SAT-APL-20110120-00015
Call Sign S2818

Gibraltar first-in-line status under the Commission's first-come, first-served processing framework. If SES Gibraltar seeks to operate another space station at this location using the frequencies authorized in this grant, such an application, together with any applications filed by other companies seeking similar authority, would be subject to the first-come, first-served processing framework for geostationary-satellite orbit space stations.

13.. This grant of market access will terminate in the event that the NSS-703 space station is relocated from the 47.05° W.L. orbital location or ceases to operate. In either case, NSS-703 will be removed from the Permitted List. If SES Gibraltar wishes to provide service to the U.S. using another space station, it must file a new application to have that space station placed on the Permitted List.

14. SES Gibraltar is afforded 30 days from the date of release of this action to decline the authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.


15. 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 effectively 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.

SAT-PPL-20101103-00230
File # SAT-APL-20110120-00015

Call Sign S2818 Grant Date 10/13/11
(or other identifier)

Term Dates
From 10/13/11 To: _____

Approved: Stephen J. Duall
Stephen J. Duall
Chief, Satellite Policy Branch


GRANTED*
International Bureau
*with conditions

9-16. Name of Contact Representative

Name: John K. Hane Phone Number: 202-663-8000

Company: Pillsbury Winthrop Shaw Pittman LLP Fax Number: 202-663-8007

Street: 2300 N Street NW E-Mail: john.hane@pillsburylaw.com

City: Washington State: DC

Country: USA Zipcode: 20037 -

Attention: 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 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 Space Station List Petition</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>(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 type="radio"/> Yes <input checked="" 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 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 type="radio"/> Yes <input checked="" 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 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>Attachment A</p>

BASIC QUALIFICATIONS

<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 style="text-align: right;"> <input checked="" type="radio"/> Yes <input type="radio"/> No Technical Appendix </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 style="text-align: right;"> <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 style="text-align: right;"> <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 style="text-align: right;"> <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 style="text-align: right;"> <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 style="text-align: right;">Attachment B</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"; for these purposes.</p>	<p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></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 style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></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? Gibraltar</p>	

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.)

Petitioner submits this Petition for Declaratory Ruling to add the conventional C-band and Ku-band payloads on NSS-703 at 47.05W to the Permitted Space Station List.

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.

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.