

S2821 SAT-PPL-20110112-00012 IB2011000100
Telesat Brasil Capacidade de Satelites Ltda.
ESTRELA DO SUL 2

Date & Time Filed: Jan 12 2011 4:29:07:766PM
File Number: SAT-PPL-20110112-00012
Callsign/Satellite ID: S2821

File # SAT-PPL-20110112-00012

Call Sign S2821 Grant Date 04/04/11
(or other identifier)

Term Dates
From 04/04/11 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

FCC Use Only

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
T14R PDR replacement application (January 2011)


1-8. Legal Name of Applicant

Name:	Telesat Brasil Capacidade de Satelites Ltda.	Phone Number:	908-698-4882
DBA Name:		Fax Number:	908-719-0226
Street:	135 Routes 202/206	E-Mail:	rcondurso@telesat.com
City:	Bedminster	State:	NJ
Country:	USA	Zipcode:	07921 -1538
Attention:	Mr Robert Condurso		

Attachment to Grant
IBFS File No. SAT-PPL-20110112-00012
Call Sign: S2821

Pursuant to Sections 303(r), 308, 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 Telesat Brasil Capacidade de Satelites Ltda (Telesat Brasil), IBFS File No. SAT-PPL-20110112-00012, to add the Estrela do Sul 2 space station (Call Sign S2821), licensed by Brazil at the 63° W.L. orbital location, to the Commission's Permitted Space Station List is GRANTED. Accordingly, each U.S. licensed earth station with "ALSAT" designated as a point of communication is granted authority to provide fixed-satellite service in the 11.7-12.2 GHz (space-to-Earth) and 14.0-14.5 GHz (Earth-to-space) frequency bands to, from, or within the United States, by accessing the Estrela do Sul 2 space station at the 63° W.L. orbital location. These operations must be in accordance with the terms, conditions, and technical specifications set forth in Telesat Brasil's Petition, the Federal Communications Commission's rules, and the following conditions:

1. Estrela do Sul 2 is not authorized to provide any Direct-to-Home service, Direct Broadcast Satellite Service, or Satellite Digital Audio Radio Service to, from, or within the United States.
2. Communications between ALSAT-designated routine earth stations and the Estrela do Sul 2 space station shall be in compliance with all existing and future space station coordination agreements reached between Brazil and other administrations.
3. The Estrela do Sul 2 space station must begin providing service at the 63° W.L. orbital location in the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands before the space station it is replacing, Estrela do Sul 1, discontinues service at this orbital location. Failure to meet this condition shall render the grant of market access in these frequency bands at this orbital location NULL and VOID.
4. This grant of market access will terminate in the event that the Estrela do Sul 2 space station is either removed from the 63° W.L. orbital location or ceases to operate. If either event occurs, Estrela do Sul 2 will be removed from the Permitted Space Station List. If Telesat Brasil wishes to provide service to the United States from the 63° W.L. orbital location using another space station, it must file a new application to have that space station placed on the Permitted Space Station List.
5. Telesat Brasil 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.
6. 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.

 GRANTED* International Bureau *with conditions	File # <u>SAT-PPL-20110112-00012</u>
	Call Sign <u>S2821</u> Grant Date <u>04/04/11</u> (or other identifier)
	Term Dates From <u>04/04/11</u> To: _____
	Approved: <u><i>Stephen J. Duall</i></u> Stephen J. Duall Chief, Satellite Policy Branch

9-16. Name of Contact Representative

Name: Joseph A. Godles Phone Number: 202-429-4900

Company: Goldberg Godles Wiener & Wright Fax Number: 202-429-4912

Street: 1229 19th Street, NW E-Mail: jgodles@g2w2.com

City: Washington State: DC

Country: USA Zipcode: 20036 -2413

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.

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?</p> <p><input type="radio"/> If Yes, complete and attach FCC Form 159.</p> <p>If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).</p> <p><input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee</p> <p><input checked="" type="radio"/> Other (please explain): Petition for Declaratory Ruling - no fee required</p>
<p>17c. Fee Classification BNY - Space Station (Geostationary)</p>
<p>18. If this filing is in reference to an existing station, enter:</p> <p>(a) Call sign of station: Not Applicable</p> <p>19. If this filing is an amendment to a pending application enter:</p> <p>(a) Date pending application was filed: Not Applicable</p> <p>(b) File number of pending application: Not Applicable</p>

TYPE OF SERVICE

<p>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:</p> <p> <input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify) </p>	
<p>21. STATUS: Choose the button next to the applicable status. Choose only one.</p> <p> <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier </p>	<p>22. If earth station applicant, check all that apply.</p> <p>Not Applicable</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:</p> <p> <input type="radio"/> Connected to a Public Switched Network <input checked="" type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A </p>	
<p>24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).</p> <p> <input type="checkbox"/> a. C-Band (4/6 GHz) <input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz) <input type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) </p> <p>Frequency Lower: Frequency Upper: (Please specify additional frequencies in an attachment)</p>	

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 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 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>Response to Q30-34</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><input type="radio"/> Yes <input checked="" 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 checked="" type="radio"/> Yes <input type="radio"/> No Response to Q36</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 style="text-align: right;">Response to Q40</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;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </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;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </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? Brazil</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.)

Telesat Brasil Capacidade de Satelites Ltda. seeks authority to operate a replacement spacecraft for Estrela do Sul 1 at 63 W.L., to be designated Estrela do Sul 2. Estrela do Sul 1 was previously authorized for use by grant of Petition for Declaratory Ruling to add it to the Permitted Space Station list (see SAT-PDR-20021010-00196).

Petition

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

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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.