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14-day extension
 File # SAT-PPL-20110620-0011
 Call Sign 52828 Grant Date 4/4/2012
 (or other identifier) Term Dates see attach
 From _____ To: conditions
 Approved: Fern J. Garmelnele

Tony Lin
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March 30, 2012

By Electronic Filing (IBFS)

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

**Re: New Skies Satellites B.V.
 File No. SAT-PPL-20110620-00112
 Call Sign S2828**

Dear Ms. Dortch:

New Skies Satellites B.V. (doing business as “SES”), by its attorneys, hereby requests a waiver to extend by 14 days the deadline to post a bond, as specified in paragraph 21(a) of the SES-4 Market Access Grant.¹ Under that paragraph, SES is required to post a bond of \$750,000 by April 14, 2012, to secure the launch and operation of the satellite at 22° W.L. by March 15, 2014. As the Commission is aware, however, the SES-4 satellite was launched on February 15, 2012, and is currently undergoing in-orbit testing (“IOT”) at 26° W.L. by the satellite manufacturer. SES expects IOT to be completed and the satellite to commence operations at 22° W.L. on or about April 16, 2012. Because the primary purpose of the bond (to secure launch and operation of SES-4) is expected to be satisfied within days of the bond posting deadline and nearly two years ahead of the milestone for launch and operation of SES-4, grant of the requested extension will not undermine

¹ See Stamp Grant, File No. SAT-PPL-20110620-00112 (granted March 15, 2012). The grant of the petition is divided into two separate sections, as follows: the “Addition of SES-4 to Permitted Space Station List” and the “Market Access Grant in Extended C- and Ku-bands.” *Id.* Hereafter, the latter section is referred to as the “Market Access Grant.”

the underlying purpose of the bond requirement and is consistent with Commission precedent.

Background. The FCC granted SES's above-referenced petition with conditions on March 15, 2012. Paragraph 21 of the Market Access Grant addresses bond matters relating to SES-4. Specifically, the paragraph provides that:

- a. New Skies must file a bond with the Commission in the amount of \$750,000, pursuant to the procedures set forth in Public Notice, DA 03-2602, 18 FCC Rcd 16283 (2003), within 30 days of this grant (April 14, 2012);
- b. SES-4 must be launched and placed into operation in the 13.75-14.0 GHz (Earth-to-space) frequency band at the 22° W.L. orbital location within two years following the date of this authorization (March 15, 2014).²

Grant of an Extension is Warranted. The SES-4 satellite has been successfully launched and presently is undergoing IOT at 26° W.L. by the satellite manufacturer.³ Assuming all testing activities are completed on schedule and no anomalies occur, SES expects on or about April 5, 2012 to begin drift of the satellite towards its authorized operating location at 22° W.L. The SES-4 satellite is expected to arrive at 22° W.L. and commence operations on or about April 16, 2012, two days after the bond deadline.⁴ A declaration attesting to these facts and the planned commencement of operations for SES-4 is attached hereto as Annex 1.

Thus, SES shortly will be able to satisfy the milestone requirement to commence operations, rendering moot the need to submit a bond.⁵ Additionally,

² *SES-4 Access Order*, at ¶ 21 of the Market Access Grant.

³ See attached Annex 1; see also <http://www.lyngsat.com/atlantic.html> (last visited March 25, 2012) (listing SES-4 at 26° W.L.); <http://www.ses.com/4233325/news/2012/10232154> (last visited March 25, 2012) (announcing the successful launch of SES-4).

⁴ In an abundance of caution, SES is seeking a 14-day extension of the deadline to post a bond in the event there are unexpected delays in the testing or drift of the SES-4 satellite.

⁵ Once SES-4 commences operations at 22° W.L., SES would satisfy the launch and operate milestone requirement, and no bond would be necessary. See 47 C.F.R. § 25.165; *In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies*, 18 FCC Rcd 10760, at ¶ 309 (2003) ("We will not require non-U.S.-licensed satellite operators to post bonds if they request (... continued)

because the SES-4 satellite has been launched and is scheduled to begin service shortly from the 22° W.L. orbital location, grant of the brief extension request would not undermine the underlying purposes of the bond requirement to “help deter speculative satellite applications and help expedite provision of service to the public.”⁶ The FCC has granted similar extension requests in the past.⁷ For the reasons set forth above, the FCC should grant this request for a 14-day extension of the deadline to post a bond, as specified in the Market Access Grant.

Very truly yours,

/s/

John Hane
Tony Lin
*Counsel for New Skies Satellites
B.V.*

cc: Robert Nelson
Cassandra Thomas
Fern Jarmulnek
Karl Kensinger
Andrea Kelly
Stephen Duall
Jay Whaley

(... continued)

U.S. market access with an in-orbit satellite, because ... such a request could not be speculative in these circumstances.”); *see also infra* note 7.

⁶ *See Amendment of the Commission’s Space Station Licensing Rules and Policies*, 18 FCC Rcd 10760, ¶ 167 (2003).

⁷ *See, e.g.*, Stamp Grant, SES Americom, Inc. and SES Satellites (Gibraltar) Ltd., Request for Extension of Time, File No. SAT-ASG-20080609-00120 (granted September 5, 2008); Stamp Grant, Intelsat North America LLC, Request for Extension of Time, File Nos. SAT-LOA-20090410-00043 and SAT-AMD-20090528-00059 (granted December 23, 2009).

ANNEX 1

DECLARATION OF CHUNG HSIANG MAH

I, Chung Hsiang Mah, Regulatory Counsel, hereby certify under penalty of perjury that the following is true and correct to the best of my knowledge, information and belief:

The SES-4 satellite has been successfully launched and presently is undergoing in-orbit testing at 26° W.L. by the satellite manufacturer. Assuming all testing activities are completed on schedule and no anomalies occur, the satellite is expected to begin drift on or about April 5, 2012 towards its authorized operating location at 22° W.L. The SES-4 satellite is expected to arrive at 22° W.L. and commence operations on or about April 16, 2012.

Signed:

/s/

Chung Hsiang Mah
Regulatory Counsel
for New Skies Satellites B.V.

March 30, 2012

**Attachment to Grant
New Skies Satellites B.V.
IBFS File No. SAT-PPL-20110620-00112
Call Sign S2828
April 4, 2012**

The request of New Skies Satellites B.V. (New Skies), filed on March 30, 2012, to extend by 14 days, from April 14, 2012 until April 28, 2012, the deadline to file a bond in the amount of \$750,000 as required by the Commission's March 15, 2012 grant of U.S. market access for the SES-4 space station at the 22° W.L. orbital location IS GRANTED. SES-4 was launched on February 15, 2012. The space station is currently undergoing in-orbit testing at the 26° W.L. orbital location. New Skies anticipates that the space station will arrive at the 22° W.L. orbital location in time to commence operations on or about April 16, 2012. Under these circumstances, we find that a brief extension of the deadline to file a bond is warranted. Further, in light of the launch of the SES-4 space station and the planned commencement of operations at the 22° W.L. orbital location, the requirement to file a bond for Call Sign S2828 pursuant to condition 21 of the SES-4 Grant of U.S. Market Access (IBFS File No. SAT-PPL-20110620-00112, granted Mar.15, 2012) will no longer apply if the following events occur before the extended bond filing deadline of April 28, 2012: (a) New Skies files a certification that the SES-4 space station has begun operations at its assigned orbital location consistent with the terms and conditions of authorization, and (b) the Commission determines that the last milestone has been satisfied. This action does not otherwise affect in any way any other terms and conditions placed on the grant of U.S. Market Access for the SES-4 space station at the 22° W.L. orbital location.