

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554**

In the Matter of)
)
HISPAMAR SATÉLITES, S.A.) File N° _____
)
Petition for Declaratory Ruling to Add)
AMAZONAS-3 Satellite at 61° W L to the)
Commission's Ka-band)
Permitted Space Station List)

To: International Bureau

INTRODUCTION

HISPAMAR SATELITES, S.A., (HISPAMAR SATÉLITES) on December 23, 2011 filed a Petition for Declaratory Ruling to add the AMAZONAS-3 Satellite, to be operated at 61°WL, to the Commission's Permitted Space Station List. However, on January 31, 2012, the application was found defective and therefore dismissed without prejudice to refiling.

HISPAMAR SATÉLITES have revised the filing taking into account those deficiencies, and submits by means of the current writing a new

PETITION FOR DECLARATORY RULING

HISPAMAR SATÉLITES, S.A. (hereinafter HISPAMAR SATÉLITES) by representative and pursuant to Sections 25.114 and 25.137 of the Commission's rules as amended and the *DISCO II First Reconsideration Order*, hereby respectfully requests that the Commission add the AMAZONAS-3 satellite¹, at 61°W.L., to the Permitted Space Station List, for the provision of services to and from the United States covered by the Commission WTO Basic Telecommunications Agreement ("WTO Telecom Agreement")². A FCC Form 312 application, together with exhibits providing the information required under Section 25.114 of the Commission's rules, are attached hereto. HISPAMAR SATÉLITES currently serves U.S. customers from this orbital location via AMAZONAS-1 and AMAZONAS 2 geostationary satellites and are included on the Permitted List. Grant of this petition will serve the public interest by maintaining an existing competitive service option in addition to providing consumers with more alternatives in choosing communications service providers and services, reducing prices and facilitating technological innovation.

¹ Amazonas-3 will replace Amazonas-1, licensed by Brazil, using same frequencies that Amazonas-1, plus Ka band as described in Attachment hereto. See Anatel Website <http://www.anatel.gov.br/Portal/verificaDocumentos/documento.asp?numeroPublicacao=259036&assuntoPublicacao=null&caminhoRel=null&filtro=1&documentoPath=259036.pdf>

² The WTO came into being on January 1, 1995, pursuant to the Marrakesh Agreement Establishing the World Trade Organization (The Marrakesh Agreement), 33 I.L.M. 1125 (1994). The Marrakesh Agreement includes multilateral agreements on trade in goods, services, intellectual property and dispute settlement. The General Agreement on Trade in Services (GATS) is Annex 1B of the Marrakesh Agreement, 33 I.L.M. 1167 (1994). The WTO Telecom Agreement was incorporated into the GATS by the Fourth Protocol to the GATS (April 30, 1996), 36 I.L.M. 354 (1997).

AMAZONAS-3 is a replacement of AMAZONAS-1 in the C and Ku bands. It is foreseen to be launched in the 4th Quarter 2012 and will be operated at the 61° W.L. orbital location where AMAZONAS-1 is presently operated. The C-band (4/6 GHz) and Ku-band (12/14) GHz frequencies and associated technical characteristics on AMAZONAS-3 are identical to those on AMAZONAS-1 which was previously approved for the Permitted List. This Petition for AMAZONAS-3 includes the necessary information and technical characteristics for the Ka band frequencies on this satellite network as the basis for putting them on the Permitted List. It should also be noted that a Petition for Direct to the Home (DTH) service was also previously granted and is also to be provided by AMAZONAS-3 as part of the replacement of AMAZONAS-1. Grant of this petition will permit all U.S. C-band, Ku-band and Ka-band earth stations with an "ALSAT" designation to enjoy services available from AMAZONAS-3.

Such grant will also permit HISPAMAR SATÉLITES to offer its capacity to provide service to the US market from the 61 W.L. orbital location. As demonstrated in this petition and the accompanying attachments, AMAZONAS-3 satisfies all legal and technical requirements for US service.

I AMAZONAS-3 Meets the Requirements for Inclusion on the Permitted Space Stations List.

In the *DISCO II first Reconsideration Order*, the Commission stated that it will grant a declaratory ruling request by a foreign satellite operator regarding provision of C-band and Ku-band service in the United States -and include operator's satellite on the Permitted Space Stations List- where the request is accompanied by information demonstrating compliance with Section 25.137 of the Commission's rules. In that Order, the Commission

conclude[d] that US earth stations with ALSAT licenses should be permitted to communicate with any non-US satellite just as easily as they communicate with any US licensed satellite, provided that those communications do not cause harmful interference to or require protection from adjacent satellite operations, and otherwise comply with DISCO II.

In Declaratory Order of January 21, 2010, released on January 25, 2010, the Commission indicated that it will add non-U.S.-licensed Ka-band satellites to the Ka-band Permitted List upon request, once the Commission authorizes that satellite to provide service in the United States. In this regard, the Commission ordered that satellite operators may request access to the United States to provide fixed-satellite services in the conventional Ka-band by submitting a Petition for Declaratory Ruling accompanied by the information required in Sections 25.114 and 25.137 of the Commission's rules, 47 C.F.R. §§25.114 and 25.137, for the non-U.S. satellite.

The AMAZONAS-3 satellite fully complies with the requirements applicable to US satellites and will not "cause harmful interference to or require protection from adjacent satellite operations". In addition, this petition includes and it is incorporated throughout all the information required under Section 25.114 and other relevant parts of the Commission's rules as amended. Accordingly, HISPAMAR SATÉLITES urges the Commission to grant the instant petition and include AMAZONAS-3 on the Permitted Space Stations List.

Section 25.114(a). Section 25.114(a) requires that petitioners seeking space station

authorization must submit a comprehensive proposal for each proposed space station on FCC Form 312, Main form and Schedule S, together with attached exhibits as described in paragraph(d) of this Section. As the technical characteristics for the C-band (4/6 GHz) and Ku-band (12/14 GHz) frequencies on AMAZONAS –3 are identical to those on AMAZONAS-1 neither technical characteristics nor a Schedule S has been included for them in this Petition.

Technical information for AMAZONAS-3, as required under Section 25.114 and 25.140(b) of the Commission's rules, is attached herewith as Attachment to Form 312. It is the technical description for the Ka-band., and includes the Schedule S pursuant to the Third Report and Order in IB Docket No. 02-34 and Third Report and Order in IB Docket No. 00-248.

The AMAZONAS-3 satellite is owned by HISPASAT CANARIAS - a company owned one hundred per cent by HISPASAT, S.A.- and operated by HISPAMAR SATÉLITES, which is based in Brazil. Brazil serves as the notifying administration for purposes of international satellite coordination pursuant to the relevant provisions of the International Telecommunications Union Radio Regulations (ITU-RR). In this context, HISPAMAR SATÉLITES emphasizes that operation at 61°W.L. has been coordinated previously between the United States and Brazil.

In its DISCO II Order, para. 7, the Commission “adopted a presumption that entry by WTO Member satellite systems will promote competition in the U.S. satellite services market”. In this context, HISPAMAR SATÉLITES, like an operator licensed by Brazil, a Member of WTO, believes that it will serve the pro-competitive goals of Section 25.137 by being included on the Permitted Space Station list.

Financial requirements

In its *First Space Station Licensing Reform Order*, the Commission eliminated the financial requirements then in place and replaced them with a bond requirement³. According to 47 C.F.R 25.165, bond will be posted, if any, in due time.

II Access to the US Market for AMAZONAS-3 Will Serve the Public Interest

Access by all U.S. earth stations with an ALSAT designation to AMAZONAS-3 would produce substantial public interest benefits. The availability of HISPAMAR SATÉLITES space segment to the U.S. Fixed-Satellite Service market will continue to stimulate lower prices, improve service quality, increase service options and foster technological innovation.

III Information required

HISPAMAR SATÉLITES believes that information is sufficient according to Commission’s rules; however, should the Commission conclude that this information is insufficient, HISPAMAR SATÉLITES asks the Commission to request HISPAMAR SATELLITES to provide additional information or supplementary information or explanatory information that the Commission considers appropriate.

³ *First Space Licensing Reform Order*, 18 FCC Red at 10826 (para. 170)

IV Conclusion

Therefore, for the reasons set out above, HISPAMAR SATÉLITES respectfully requests that the Commission issue a declaratory ruling adding the AMAZONAS-3 satellite to the Permitted Space Station List, operating in C, Ku and Ka bands.

Respectfully submitted,
HISPAMAR SATÉLITES, S.A.

By: _____

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