

S2870 **SAT-PPL-20120717-00117** **IB2012001693**
 New Skies Satellites B.V.
 SES-6

**MARKET ACCESS IN 3625-3700 MHz, 5850-5925 MHz, 10.95-11.2 GHz, 11.45-11.7 GHz, 11.2-11.45 GHz



File # SAT-PPL-20120717-00117 and 13.75-14.0 GHz BANDS** ONLY

Call Sign S2870 **Grant Date** 08/01/13

(or other identifier)

From 08/01/13 **Term Dates** see conditions
To:

Approved by OMB
 3060-0678

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

Date & Time Filed: Jul 17 2012 10:37:48:453AM
 File Number: SAT-PPL-20120717-00117
 Callsign/Satellite ID: S2870

*with conditions
 (corrected 08/08/13)

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

Enter a description of this application to identify it on the main menu:
 Market access for SES-6 at 40.5W

1-8. Legal Name of Applicant			
Name:	New Skies Satellites B.V.	Phone Number:	202-478-7137
DBA Name:		Fax Number:	202-478-7101
Street:	1129 20th St. NW	E-Mail:	daniel.mah@ses.com
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City:	Washington	State:	DC
Country:	USA	Zipcode:	20036 -
Attention:	Mr. Daniel Mah		

**Attachment to Grant
Application of New Skies Satellites B.V.
IBFS File No. SAT-PPL-20120717-00117
Call Sign S2870**

Market Access Grant

The petition filed by New Skies Satellites, B.V. (New Skies), as supplemented, IBFS File No. SAT-PPL-20120717-00117, to access the U.S. market via the SES-6 space station (Call Sign S2870) at the 40.5° W.L. orbital location using the extended C-band frequencies of 3625-3700 MHz (space-to-Earth) and 5850-5925 MHz (Earth-to-Space), the extended Ku-band frequencies of 10.95-11.2 GHz (space-to-Earth), 11.45-11.7 GHz (space-to-Earth), and 13.75-14.0 GHz (Earth-to-space), and the Appendix 30B Ku-band frequencies of 11.2-11.45 GHz (space-to-Earth) is GRANTED.¹ The operations of SES-6 addressed by this grant are licensed by the Administration of the Netherlands.² New Skies is granted access to the U.S. market to provide Fixed-Satellite Service (FSS) via the SES-6 space station at the 40.5° W.L. orbital location in these frequency bands.³ Communications between U.S.-licensed earth stations and the SES-6 space station must be in accordance with the terms, conditions, and technical specifications contained in New Skies' application, the Federal Communications Commission's rules not waived herein, and the following conditions:

1. SES-6 is not authorized to provide any Direct-to-Home (DTH) service to, from, or within the United States in the 3625-3700 MHz, 5850-5925 MHz, 4500-4800 MHz, 6725-7025 MHz, 10.95-11.2 GHz (space-to-Earth), 11.45-11.7 (space-to-Earth), and 13.75-14.0 (Earth-to-space) frequency bands.⁴

¹ The petition was placed on Public Notice on August 31, 2012. Report No. SAT-00893, Public Notice (Int'l Bur., rel. Aug. 31, 2012). No comments were filed in response. New Skies also requested to access the U.S. market using the Appendix 30B C-band frequencies of 4500-4800 MHz (space-to-Earth) and 6725-7025 MHz (Earth-to-space). We will address New Skies request for U.S. market access in these frequency bands as part of an earth station application to add the SES-6 space station at 40.5° W.L. as a point of communication. See IBFS File No. SES-MFS-20130604-00470.

² On June 13, 2013, New Skies notified the Commission that the SES-6 space station had been successfully launched on June 3, 2013. Letter from Daniel C.H. Mah, Regulatory Counsel for New Skies Satellites B.V., to Marlene H. Dortch, Secretary, FCC, dated June 13, 2013.

³ New Skies informed the Commission that the North America (NA) Ku-band beam described in the Schedule S and Technical Appendix of New Skies' application had its orientation changed such that the NA beam will now point toward South America and will have no coverage of the U.S. New Skies stated that it is withdrawing its request for U.S. market access for this beam, but maintains its request for U.S. market access for the Atlantic West (ATW) Ku-band beam. See *December 3 Letter* at 1.

⁴ In its petition, New Skies initially requested that it be authorized to use the 3625-3700 MHz, 5850-5925 MHz, 4500-4800 MHz, 6725-7025 MHz, 10.95-11.2 GHz (space-to-Earth), 11.45-11.7 (space-to-Earth), and 13.75-14.0 (Earth-to-space) frequency bands to deliver DTH to U.S. customers. Subsequently, New Skies withdrew these requests. Letter from Karis A. Hastings, Counsel for New Skies Satellites B.V., to Marlene H. Dortch, Secretary, FCC, dated December 3, 2012 ("*December 3 Letter*"); Letter from Karis A. Hastings, Counsel for New Skies Satellites B.V., to Marlene H. Dortch, Secretary, FCC, dated May 7, 2013 ("*May 7 Letter*"); Letter from Daniel C.H. Mah, Regulatory Counsel for New Skies Satellites B.V., to Marlene H. Dortch, Secretary, FCC, dated August 1, 2013. New Skies states, however, that it might use the 4500-4800 MHz and 6725-7025 MHz frequency bands to uplink programming from "U.S. gateways for delivery of DTH services to customers outside the U.S." *May 7 Letter* at 1 n.1. We will address New Skies request for U.S. market access in the 4500-4800 MHz and 6725-7025 MHz frequency bands as part of pending earth station applications to add the SES-6 space station at 40.5° W.L. as a point of communication. See note 1, *supra*.

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2. Communications between U.S.-licensed earth stations and the SES-6 space station at the 40.5° W.L. orbital location must comply with all existing or future coordination agreements reached between the Netherlands and other Administrations.

3. Communications between U.S.-licensed earth stations and the SES-6 space station at the 40.5° W.L. orbital location are conditioned on New Skies maintaining the SES-6 space station with an east/west longitudinal station-keeping tolerance of +/- 0.05 degrees.

4. Earth station operators in the United States seeking to access SES-6 in the 3625-3700 MHz (space-to-Earth) and 5850-5925 MHz (Earth-to-space) frequency bands may do so only after obtaining an earth station license that includes the SES-6 space station using the extended C-band frequencies as an authorized point of communication, or after modifying an existing earth station license to add the SES-6 space station using the extended C-band frequencies as an authorized point of communication.

5. Market access in the 3625-3650 MHz (space-to-Earth) band is subject to footnote US245 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US245, which states that the 3600-3650 MHz use of the non-Federal FSS is limited to international inter-continental systems and is subject to case-by-case electromagnetic compatibility analysis.

6. Market access in the 3650-3700 MHz (space-to-Earth) band is subject to footnote NG185 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, NG185, which states that the 3650-3700 MHz use of the non-Federal FSS is limited to international inter-continental systems.

7. Market access in the 3650-3700 MHz (space-to-Earth) band is subject to footnote NG169 of the United States Table of Frequency Allocations, which states that after December 1, 2000, operations on a primary basis by the FSS (space-to-Earth) in the band 3650-3700 MHz must be limited to grandfathered earth stations. All other FSS earth station operations in the band 3650-3700 MHz must be on a secondary basis.

8. Market access in the 5850-5925 MHz frequency band must comply with the terms of footnote US245 to the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US245, and Section 2.108 of the Commission's rules, 47 C.F.R. § 2.108, which limits the use of the 5850-5925 MHz band by the non-Federal FSS to international, intercontinental satellite systems, subject to case-by-case electromagnetic compatibility analysis. New Skies must not claim protection from radiolocation transmitting stations operating in accordance with footnote G2.

9. Communications between U.S.-licensed earth stations and the SES-6 space station in the 11.2-11.45 GHz (space-to-Earth) band by the Fixed-Satellite Service are subject to footnote 5.441 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, 5.441, which requires that operations be in accordance with the provisions of Appendix 30B.

10. Communications between U.S.-licensed earth stations and the SES-6 space station in the 10.95-11.2 GHz (space-to-Earth) and 11.45-11.7 GHz (space-to-Earth) bands are subject to footnote US211 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US211, which urges operators in these bands to take all practicable steps to protect radio astronomy observations in adjacent bands from harmful interference.

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11. Communications between U.S.-licensed earth stations and the SES-6 space station in the 10.95-11.2 GHz (space-to-Earth) and 11.45-11.7 GHz (space-to-Earth) bands are subject to footnote NG52 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, NG52, which requires that SES-6's use of these frequency bands be limited to international, *i.e.*, non-domestic systems.

12. Communications between U.S.-licensed earth stations and the SES-6 space station in the 11.2-11.45 GHz (space-to-Earth) band are subject to footnotes US211 and NG52 of the United States Table of Frequency Allocations, 47 C.F.R. §§ 2.106, US211 and NG52. US211 urges operators to take all practicable steps to protect radio astronomy observations in adjacent bands from harmful interference; however, US74 applies. NG52 requires that use of the 11.2-11.45 GHz band be limited to international, *i.e.*, non-domestic systems.

13. Communications between U.S.-licensed earth stations and the SES-6 space station in the 13.75-14.0 GHz (Earth-to-space) band are subject to footnote US 337 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US337, which requires that any earth station in the United States and its possessions communicating with the SES-6 space station in the 13.75-13.8 GHz band be coordinated through National Telecommunications and Information Administration's (NTIA) Frequency Assignment Subcommittee (FAS) to minimize interference to the National Aeronautics and Space Administration (NASA) Tracking and Data Relay Satellite System, including manned space flight.

14. Communications between U.S.-licensed earth stations and the SES-6 space station in the 13.75-14.0 GHz (Earth-to-space) band are subject to footnote US356 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US356, which specifies a mandatory minimum antenna diameter of 4.5 meters and a non-mandatory minimum and maximum equivalent isotropically radiated power (EIRP). Operations of any earth station located outside the United States and its possessions communicating with the SES-6 space station in the 13.75-14.0 GHz band (Earth-to-space) to provide service to the United States must be consistent with footnote 5.502 to the ITU Radio Regulations, which allows a minimum antenna diameter of 1.2 meters for earth stations of a geostationary satellite orbit network and specifies mandatory power limits. In the 13.75-14.0 GHz band (Earth-to-space), receiving space stations in the fixed-satellite service must not claim protection from radiolocation transmitting stations operating in accordance with the United States Table of Frequency Allocations.

15. Operations of earth stations in the United States and its possessions communicating with the SES-6 space station in the 13.75-14.0 GHz (Earth-to-space) band are encouraged to cooperate voluntarily with NASA in order to facilitate continued operation of NASA's Tropical Rainfall Measuring Mission (TRMM) satellite.⁵

⁵ NASA's TRMM satellite system radar in the 13.793-13.805 GHz band remains operational and is a highly valuable and visible United States asset with a broad range of international users. Accordingly, NTIA has requested cooperation from the Commission and non-Federal Government entities in providing assistance in reducing interference with the TRMM radar. Specifically, NTIA requests that FSS earth stations in the 13.793-13.805 GHz band located south of 39° N. and east of 110° W. operate with emission levels below -150 dBW/600 kHz at the TRMM space station receiver. Letter from Frederick R. Wentland, Acting Associate Administrator, Office of Spectrum Management, NTIA, to Don Abelson, Chief, International Bureau, FCC (February 28, 2002). Considering the secondary nature of the TRMM operation, NTIA's request is not a condition of this authorization. The Commission, however, urges all operators of earth stations accessing the SES-6 space station in the 13.75-14.0 GHz band to cooperate voluntarily with NASA in order to facilitate continued operation of the TRMM satellite.

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16. Operations of any earth station in the United States and its possessions communicating with the SES-6 space station in the 13.75-14.0 GHz band (Earth-to-space) must comply with footnote US357 to the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US357, which specifies that the EIRP density of emissions must not exceed 71 dBW in any 6 MHz band for communications with a space station in geostationary-satellite orbit. Operations of any earth station located outside the United States and its possessions communicating with the SES-6 space station in the 13.77-13.78 GHz band (Earth-to-space) to provide service to or from the United States must comply with footnote 5.503 to the ITU Radio Regulations, which specifies a required maximum EIRP density of emissions (limit is dependent on antenna diameter) for communications with a space station in geostationary-satellite orbit.

17. New Skies' 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. Like NSS-806, SES-6 uses circular polarization for its C-band communications payload; additionally, one of SES-6's conventional C-band tracking beacons uses linear polarization, but the planes are rotated 45 degrees relative to the equatorial plane. This waiver is granted based upon a finding 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 future space station networks that comply with Section 25.210(a)(1). Further, New Skies must operate SES-6 pursuant to any existing or future coordination agreements for this location.

18. 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. *See Telesat Canada*, Order, 22 FCC Rcd 588, 592, ¶10 (Int'l Bur. 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 because the SES-6 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 comply with Section 25.210(a)(3). Further, New Skies must operate SES-6 pursuant to any existing or future coordination agreements for this location.

19. New Skies' request for a waiver of Section 25.210(i)(1), of the Commission's rules, 47 C.F.R. § 25.210(i)(1), for the SES-6 space station is granted, as conditioned. Section 25.210(i)(1) requires FSS space station antennas to be designed to meet a cross-polarization isolation of 30 dB within the primary coverage area of the antenna. The minimum cross-polarization isolation of SES-6's communications beams is 25.4 dB; and the minimum for the omnidirectional TT&C beams is 16 dB. This waiver is based upon a finding that these shortfalls will not produce a significant increase in interference, except to the space station itself, and will not adversely affect any other operator. As a condition of the waiver, New Skies must accommodate future satellite networks serving the United States that are two-degree compliant and other licensed radiocommunication systems operating in accordance with the Commission's rules.

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20. Operations using SES-6 to or from the United States must comply with the power levels specified in Section 25.212 of the Commission's rules, 47 C.F.R. § 25.212, unless New Skies coordinates any operations using power levels exceeding the levels in Section 25.212 with all potentially affected adjacent satellites within 6 degrees orbital separation of the 40.5° W.L. orbital location. New Skies must inform the Commission of any coordinated power levels to be used within the United States that are higher than the limits in Section 25.212. In addition, New Skies must inform all affected U.S.-licensed earth station operators that Section 25.220 of the Commission's rules, 47 C.F.R. § 25.220, applies to operations that exceed the power levels specified in Section 25.212. In the Ku-band, the downlink EIRP density level of the SES-6 digital carriers must not exceed -20 dBW/Hz, and the input power density level of the uplink digital carriers of U.S.-licensed earth stations operating with SES-6 must not exceed -47 dBW/Hz. In the C-band frequencies, the downlink EIRP density level of the SES-6 digital carriers must not exceed -30 dBW/Hz, and the input power density level of the uplink digital carriers of U.S.-licensed earth stations operating with SES-6 must not exceed -38.7 dBW/Hz.

21. This grant of market access will terminate in the event that the SES-6 space station is relocated from the 40.5° W.L. orbital location or ceases to operate. If New Skies wishes to provide service to the U.S. using another space station from the 40.5° W.L. orbital location, it must file a new petition for U.S. market access.

22. New Skies is afforded thirty days from the date of this action to decline this grant of U.S. market access as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

23. This action is issued 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.

**** MARKET ACCESS IN 3625-3700 MHz, 5850-5925 MHz, 10.95-11.2 GHz, 11.45-11.7 GHz, 11.2-11.45 GHz and 13.75-14.0 GHz BANDS ONLY ****



*with conditions
 (corrected 08/08/13)

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Call Sign S2870 **Grant Date** 08/01/13
 (or other identifier)

From 08/01/13 **Term Dates** see
To: conditions

Approved: Stephen J. Duall

Stephen J. Duall
 Chief, Satellite Policy Branch

9-16. Name of Contact Representative			
Name:	Karis A. Hastings	Phone Number:	202-599-0975
Company:	SatCom Law LLC	Fax Number:	
Street:	1317 F Street, N.W., Suite 400	E-Mail:	karis@satcomlaw.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20004 -
Attention:		Relationship:	Legal Counsel

CLASSIFICATION OF FILING

<p>17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.</p> <p>a.</p> <p>(N/A) a1. Earth Station</p> <p><input checked="" type="radio"/> a2. Space Station</p>	<p>b.</p> <p><input checked="" type="radio"/> b1. Application for License of New Station</p> <p>(N/A) b2. Application for Registration of New Domestic Receive-Only Station</p> <p>(N/A) b3. Amendment to a Pending Application</p> <p>(N/A) b4. Modification of License or Registration</p> <p>(N/A) b5. Assignment of License or Registration</p> <p>(N/A) b6. Transfer of Control of License or Registration</p> <p>(N/A) b7. Notification of Minor Modification</p> <p>(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite</p> <p><input type="radio"/> b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States</p> <p><input type="radio"/> b10. Replacement Satellite Application – no new frequency bands</p> <p><input type="radio"/> b11. Replacement Satellite Application – new frequency bands (Not eligible for streamlined processing)</p> <p><input checked="" type="radio"/> b12. Petition for Declaratory Ruling to be Added to the Permitted List</p> <p>(N/A) b13. Other (Please specify)</p>
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17c. Is a fee submitted with this application?

If Yes, complete and attach FCC Form 159.

If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

Governmental Entity Noncommercial educational licensee

Other (please explain): Permitted Space Station List and Market Access Petition

17c. Fee Classification

18. If this filing is in reference to an existing station, enter:

(a) Call sign of station:
Not Applicable

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

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:	
<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 checked="" type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)	
21. STATUS: Choose the button next to the applicable status. Choose only one. <input type="radio"/> Common Carrier <input checked="" type="radio"/> 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: <input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A	
24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s). <input checked="" type="checkbox"/> a. C-Band (4/6 GHz) <input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz) <input checked="" type="checkbox"/> 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.

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

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 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>

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. Exhibit A

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. Yes No

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. Yes No

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

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 seeks U.S. market access for the Netherlands-licensed SES-6 spacecraft to be located at 40.5 deg. W.L.

Narr and Tech App

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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