

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Satélites Mexicanos, S.A. de C.V.	)	File No.
Petition for Declaratory Ruling	)	
To Add Satmex 8 to the	)	
Permitted Space Station List	)	

**PETITION FOR DECLARATORY RULING**

Satélites Mexicanos, S.A. de C.V. (“Satmex”), a Mexican corporation, respectfully files this Petition for a Declaratory Ruling pursuant to Section 25.137 of the Commission’s Rules to add its C- and Ku-band<sup>1</sup> satellite, Satmex 8 at 116.8° W, to the Permitted Space Station List. The Satmex 8 satellite will replace the Satmex 5 satellite, currently operating at 116.8° W.<sup>2</sup> The Commission has already authorized the addition of Satmex’s Solidaridad 2 satellite at 113° W (subsequently moved to 114.9° W), the Satmex 5 satellite at 116.8° W, and the Satmex 6 satellite at 113° W to the Permitted Space Station List.<sup>3</sup>

The Commission allows non-U.S. licensed satellites to be included on the Permitted Space Station List upon demonstrating compliance with Sections 25.114 and

---

<sup>1</sup> C-band refers to 3700-4200 MHz (space-to-Earth) and 5925-6425 MHz (Earth-to-space) and Ku-band refers to 11.7 – 12.2 GHz (space-to-Earth) and 14.0 – 14.5 GHz (Earth-to-space).

<sup>2</sup> Satmex informs the Commission that the Satmex 8 satellite is constructed and is scheduled to be launched by International Launch Services during the fourth quarter of 2012.

<sup>3</sup> *Satélites Mexicanos, S.A. de C.V. Petition for Rulemaking*, Order, DA 00-1793, 15 FCC Rcd 19311 (2000) (adding Solidaridad 2 and Satmex 5 to the Permitted Space Station List at 113°W and 116.8°W, respectively); SAT-PPL-20060329-00030 and SAT-AMD-20060724-00080 (2006) (adding Satmex 6 to the Permitted Space Station List at 113° W); SAT-PDR-19991214-00131 and SAT-MOD-20060821-00090 (2006) (modifying orbital location of Solidaridad 2 to 114.9° W. on the Permitted Space Station List).

25.137 of the Commission's Rules, assuming there are no other public interest concerns. This Petition and its associated attachments, including the FCC Form 312, provide the required information for the FCC to determine that the Satmex 8 satellite meets the requirements of Sections 25.114 and 25.137 of the Commission's rules,<sup>4</sup> and is thus eligible to be on the Permitted Space Station List.

**A. Requirement of Sections 25.114 and 25.137 of the Commission's Rules**

The Satmex 8 satellite is licensed by Mexico and will be located at the 116.8° W orbital location. As the Commission is aware, the 116.8 °W orbital location is assigned to Mexico in accordance with the Trilateral Agreement for C- and Ku-band frequencies among Canada, Mexico and the United States ("Trilateral Agreement"), and subsequent bilateral agreements between Mexico and Canada, and therefore the Commission cannot license U.S. satellites in these frequency bands at this orbital location. Mexico is a member country of the WTO. In addition, Mexico and the United States have reached a bilateral agreement that allows Mexican satellites to offer Direct-to-Home (DTH) service and Direct Broadcast Satellite (DBS) service in the United States, after those satellites have been coordinated with the United States for these services.<sup>5</sup>

Satmex is requesting to provide Fixed-Satellite Services covered by the WTO Telecom Agreement and FSS DTH services covered by the US and Mexican Bilateral Agreement. Given Mexico's membership in the WTO and the existing Bilateral Agreement with the United States, Satmex is not required to make the effective competitive opportunities showing pursuant to Section 25.137. The relevant International Telecommunications Union ("ITU") network for the Satmex 8 satellite has been notified under Article 11 of the ITU Radio Regulations and is recorded in the ITU Master Register.

---

<sup>4</sup> To the extent that certain rules are not met the appropriate waivers have been requested.

<sup>5</sup> See Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provision of Direct-to-Home Satellite Television Services in the United States of America and the United Mexican States, November 8, 1996. See also *Televisa Internacional, LLC*, Order and Authorization, 13 FCC Rcd 100074, 10075-76 (para. 5) (Int'l Bur. 1997 (Televisa Order) (discussing DTH Protocol).

As stated above, the Satmex 8 satellite is a replacement satellite for the Satmex 5 satellite currently operating at the 116.8°W orbital location. The Satmex 8 satellite will operate in the same frequency bands as the Satmex 5 satellite and the service areas of the two satellites include North and South America. Once the Satmex 8 satellite has been brought into use, the Satmex 5 satellite will be moved to the 114.9° W orbital location. Given that Satmex 8 is a replacement satellite, it is not necessary for Satmex to provide financial information for the Commission to determine that Satmex is financially capable of building, launching and operating its satellite.

**B. Request for Waiver of Section 25.210(a)(3)**

Satmex requests a waiver of Section 25.210(a)(3) of the Commission’s Rules. It is noted that the Commission has previously waived this rule in several cases for good cause for Satmex and other non-U.S. licensed FSS operators requesting to add space stations to the Commission’s Permitted Space Station List.

Section 25.210(a)(3) of the Commission’s rules requires that the C-band payload on the space station providing service to the U.S. be capable of switching polarity upon ground command. The Satmex 8 C-band transmission polarization sense is not switchable from the ground.

As previously stated, the Satmex 8 satellite will operate at the 116.8° W Mexican orbital location in accordance with the Trilateral Agreement. Additionally, Satmex has completed coordination with operators of adjacent satellites and will operate in accordance with those agreements, which take into account the fixed polarization of its C-band transmissions. The Commission has granted this same waiver to Satmex and several other non-U.S. satellite operators who have applied to be on the Permitted Space Station List under similar circumstances.<sup>6</sup> In these Orders the Commission concluded “that waiving Section 25.210(a)(3) will not undercut the policies underlying the Commission’s adoption of this rule” and the Commission placed appropriate conditions

---

<sup>6</sup> See *Telesat Canada, Petition for Declaratory Ruling*, Order, DA 00-2835, 15 FCC Rcd 24828, ¶¶ 16-17 (2000). Satmex also asked for a waiver of Section 25.210(a)(3) for the Satmex 6 satellite, which the Commission granted, with conditions. See SAT-PPL-20060329-00030 and SAT-AMD-20060724-00080 (2006).

on the waiver. Consistent with relevant precedent, granting this waiver under Section 1.3 of the Commission's rules is appropriate and would serve the public interest.

**C. Adding the Satmex 8 Satellite to the Permitted Space Station List is in the Public Interest**

The Commission previously found that adding the Solidaridad 2, Satmex 5 and Satmex 6 satellites to the Permitted Space Station List was in the public interest.<sup>7</sup> For these same reasons the public interest will be served by also adding the replacement Satmex 8 satellite to the Permitted Space Station List. Allowing the Satmex 8 satellite to offer Fixed-Satellite Services, including DTH, will enhance competition of these services in the United States. Thus, inclusion of Satmex 8 on the Permitted Space Station List is in the public interest.

**D. Conclusion**

For the reasons stated herein, Satmex respectfully request that the Commission add the Satmex 8 satellite to the Permitted Space Station List.

---

<sup>7</sup>

*See supra* n.3.