

S2873 SAT-PPL-20131120-00137 IB2013002674
Satelites Mexicanos S. A. de C. V.
Satmex 8 et al.



File # SAT-PPL-20131120-00137
Call Sign S2873/S2695/S2589 Grant Date 12/24/13
(or other identifier)
Term Dates
From 12/24/13 To: _____
Approved: Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

Date & Time Filed: Nov 20 2013 9:32:36:656PM
File Number: SAT-PPL-20131120-00137
Callsign/Satellite ID: S2914

| | |
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| 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:
Petition for Declaratory Ruling in Connection With Change in Ownership and Control

| | | | |
|------------------------------|--|---------------|---------------------|
| 1-8. Legal Name of Applicant | | | |
| Name: | Satelites Mexicanos S. A. de C. V. | Phone Number: | 1152-55-2629-5828 |
| DBA Name: | | Fax Number: | 1152-55-2629-5865 |
| Street: | Av. Paseo de la Reforma 222, Piso 20 y 21, Col. Juarez | E-Mail: | mgallego@satmex.com |
| City: | Mexico City | State: | |
| Country: | Mexico | Zipcode: | - |
| Attention: | Maria A. Gallego | | |

Attachment to Grant
Satélites Mexicanos, S.A. de C.V.
IBFS File No. SAT-PPL-20131120-00137
Call Signs S2873, S2695, S2589

On November 20, 2013, Satélites Mexicanos, S.A. de C.V. notified the Commission, pursuant to Section 25.137(g) of the Commission's rules, of a planned transfer of control. Satélites Mexicanos states that its control will be transferred to Eutelsat S.A. The notification of planned transfer was placed on Public Notice on November 22, 2013. See Public Notice, Report No. SAT-00981. The Commission did not receive any comments. After review, the Satellite Division has determined that the planned transfer of control of Satélites Mexicanos will not affect any of the considerations made when the Mexican-licensed Satmex 5 (S2589), Satmex 6 (S2695), and Satmex 8 (S2873) satellites were initially granted U.S. market access. See Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provision of Direct-to-Home Satellite Services in the United States of America and the United Mexican States, November 8, 1996. Upon receipt of notice of consummation of the transaction, the Permitted Space Station List will be updated to provide information concerning the transfer of control.

9-16. Name of Contact Representative

| | | | |
|------------|----------------------|---------------|--------------------------------|
| Name: | Carlos M. Nalda | Phone Number: | 202-626-6659 |
| Company: | Squire Sanders | Fax Number: | 202-626-6780 |
| Street: | 1200 19th Street, NW | E-Mail: | carlos.nalda@squiresanders.com |
| | Suite 300 | | |
| City: | Washington | State: | DC |
| Country: | USA | Zipcode: | 20036 - |
| Attention: | | Relationship: | Legal Counsel |

CLASSIFICATION OF FILING

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.

a.

- (N/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)

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): Non-feeable submission

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

| | |
|---|---|
| <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. <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier</p> | <p>22. If earth station applicant, check all that apply. Not Applicable</p> |
| <p>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</p> | |
| <p>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 type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) 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.

| | |
|--|---|
| 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 checked="" type="radio"/> Yes <input 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. Resp to Q34 | |

BASIC QUALIFICATIONS

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.

Yes No

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.

Yes No

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.

Yes No

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

Yes No

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.

Yes No

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.

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? Mexico

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.)

Petition for Declaratory Ruling in Connection With Change in Ownership and Control

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.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
Fernanda Ramo Reynoso

46. Title of Person Signing
General Counsel

47. Please supply any need attachments.

1:

2:

3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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.

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

In the Matter of)
)
Satélites Mexicanos, S.A. de C.V. Petition) File No.: _____
for Declaratory Ruling in Connection With) Call Signs: S2589, S2695, S2873
Change in Ownership and Control Pursuant)
to 47 C.F.R. §25.137(g))
)
)
)

**PETITION FOR DECLARATORY RULING
IN CONNECTION WITH CHANGE IN OWNERSHIP
AND CONTROL PURSUANT TO 47 C.F.R. §25.137(g)**

Satélites Mexicanos, S.A. de C.V. (“Satmex”), a Mexican corporation, respectfully submits this filing in connection with a change in ownership and control of three satellites on the Commission’s Permitted Space Station List (“Permitted List”).

In accordance with the *Satellite Licensing Streamlining Order*¹ and Section 25.137(g)² of the Commission’s rules, Satmex hereby notifies the Commission that its indirect ownership and control will be transferred to Eutelsat S.A. (“Eutelsat”), a *société anonyme* organized under the laws of France “so that the Commission can afford interested parties an opportunity to comment on whether the proposed transaction affects any of the considerations”³ that the Commission relied upon when granting Satmex access to the U.S. market using Satmex 5 (Call Sign: S2589),⁴ Satmex 6 (Call Sign: S2695),⁵ and Satmex 8 (Call Sign: S2873).⁶

¹ See *Amendment of the Commission’s Space Station Licensing Rules and Policies*, First Report and Order, 18 FCC Rcd 10760, ¶¶326-327 (2003) (“*Satellite Licensing Streamlining Order*”).

² 47 C.F.R. § 25.137(g).

³ 47 C.F.R. § 25.137(g).

⁴ *Grant of Authority*, IBFS File Nos. SAT-PPL-20121218-00217, SAT-APL-20130308-00028, Call Sign: S2589 (May 31, 2013) (granting the petition of Satmex to add the Satmex 5 space

I. SATELLITES

Satmex 5, Satmex 6 and Satmex 8 are satellites licensed by Mexico. Satmex 5 is currently in-orbit and operational at 114.9°W, Satmex 6 is in-orbit and operational at 113°W.L. and Satmex 8 is in orbit and operational at 116.8°W. The Commission's prior grants of authority are hereby incorporated by reference.

II. DESCRIPTION OF THE TRANSACTION

Satmex, along with certain of its direct and indirect shareholders, and Eutelsat have entered into a Securities Purchase Agreement, dated July 30, 2013, pursuant to which Eutelsat has agreed to purchase, directly or indirectly, all of the issued and outstanding shares of capital stock of Satmex in an all-cash transaction. Specifically, Eutelsat has agreed to: (i) acquire all of the issued and outstanding shares of Satmex International B.V., a shareholder of Satmex, from Satmex International Coöperatieve U.A.; (ii) acquire all of the issued and outstanding shares of Holdsat México, S.A.P.I. de C.V., a shareholder of Satmex (other than shares held by Satmex International B.V.), from Intenal Mexicana, S.A.P.I. de C.V. and Alejandro Sainz Orantes; and (iii) acquire certain shares of Satmex from Centerbridge Capital Partners SBS (Cayman), L.P. and EJA Holdings Ltd. Upon the consummation of the transactions described above, Eutelsat will own, directly or indirectly, 100% of the issued and outstanding shares of capital stock of

station at the 114.9°W orbital location to the Commission's C- and Ku-band Permitted Space Station List) (hereinafter "Satmex 5 Grant").

⁵ *Grant of Authority*, IBFS File Nos. SAT-PPL-20060329-00030, SAT-AMD-20060724-00080, Call Sign: S2695 (Aug. 4, 2006) (granting the petition of Satmex to add the Satmex 6 space station at the 113°W orbital location to the Commission's C- and Ku-band Permitted Space Station List) (hereinafter "Satmex 6 Grant").

⁶ *Grant of Authority*, IBFS File No. SAT-PPL-20120823-00140, Call Sign: S2873 (Dec. 6, 2012) (granting the petition of Satmex to add the Satmex 8 space station at the 116.8°W orbital location to the Commission's C- and Ku-band Permitted Space Station List) (hereinafter "Satmex 8 Grant").

Satmex. Although ownership of Satmex will change, the satellites will continue to be non-U.S.-licensed satellites that are licensed by Mexico and operated by Satmex.

III. OWNERSHIP AND CONTROL OF EUTELSAT

Eutelsat is incorporated in France, which is a member of the WTO, and is legally, financially, and technically qualified to operate the satellites and provide satellite services. Eutelsat and its subsidiaries (“the Eutelsat Group”) operate a fleet of 31 satellites in 21 orbital positions, located between 15° West and 172° East, providing coverage of the entire European continent, the Middle East, North Africa, sub-Saharan Africa and a significant part of the Asian and American continents. This fleet represents a total of 858 operational transponders in stable orbit. The Eutelsat Group broadcasts 4,660 television channels. Eutelsat America Corp., a subsidiary of Eutelsat and the Eutelsat Group’s principal operating company in the United States, sells satellite capacity of the Eutelsat Group throughout the North American market.⁷

The name, address, citizenship, principal business, and ownership percentage of the significant shareholders of Eutelsat following consummation of the proposed transaction are provided below. In addition, an organizational chart showing the post-closing ownership of Eutelsat is attached.

Eutelsat is a *société anonyme* organized under the laws of France. Eutelsat is the Eutelsat Group’s main operating subsidiary. The address of Eutelsat is 70 rue Balard, 75015 Paris, France.

⁷ The Commission recently granted (i) a Consent to Assignment from GE International Holdings, Inc. to Eutelsat America Corp. *Grant of Authorization*, Consent to Assignment of 1 Station from GE International Holdings Inc. to Eutelsat America Corp., File No. SAT-ASG-20120626-00105, Call Sign S2610 (effective date: Aug 23, 2012) and (ii) a Consent to Assignment from Eutelsat America Corp. to ES 172 LLC *Grant of Authorization*, Consent to Assignment of 1 Station from Eutelsat America Corp. to ES 172 LLC., File No. SAT-ASG-20121227-00226, Call Sign S2610 (effective date: July 11, 2013). Eutelsat America and ES 172 LLC are members of the Eutelsat Group as wholly owned subsidiaries of Eutelsat.

95.62% of Eutelsat's share capital is held by Eutelsat Communications Finance S.A.S., a *société par actions simplifiée* organized under the laws of France ("Eutelsat Finance"). The sole activity of Eutelsat Finance is to hold the share capital of Eutelsat. The address of Eutelsat Finance is 70 rue Balard, 75015 Paris, France. In addition, the Russian Satellite Communication Commission ("RSCC") holds 3.38% of the shares issued by Eutelsat and 0.28% of the shares of Eutelsat are held by other entities as set out on the ownership chart attached hereto. RSCC and these other entities have no control over Eutelsat. All shareholdings of Eutelsat (other than the 0.11% of such shares held by Eutelsat's employees and executives) are a result of the privatization of Eutelsat, formerly an intergovernmental organization.

The sole shareholder of Eutelsat Finance is Eutelsat Communications S.A., a *société anonyme* organized under the laws of France. The principal role of Eutelsat Communications S.A. is to hold its indirect equity interest in Eutelsat. The address of Eutelsat Communications S.A. is 70 rue Balard, 75015 Paris, France.

25.62% of the share capital of Eutelsat Communications S.A. is held by Bpifrance participations (the "BPI"), a *société anonyme* formed in 2008 to enhance equity in France and help stabilize French companies during the economic crisis. Approximately 51% of the BPI's share capital is held by the Caisse des Dépôts et Consignations (the "CDC") and approximately 49% of its share capital is held directly by the French State. The BPI must present its strategic plans and annual report to the supervisory commission of the CDC. The BPI's board of directors has seven members. Two of the directors are representatives of the CDC, two of the directors are representatives of the French State and three of the directors are qualified personalities. The chairman of the BPI's board of directors is the CDC's chief executive officer. The chief

executive officer of the BPI is appointed by its board of directors. The address of the BPI is 56 Rue de Lille, 75007 Paris, France.

The CDC is a financial institution wholly owned by the French State that serves the general interest and the economic development of France. Approximately 50% of the CDC's recurring and non-recurring net profit is paid to the French State. The CDC is managed by a chief executive officer, who is appointed by the President of the French State. The CDC is supervised by a supervisory commission of 13 members, all of which are appointed by various sectors of the French government.

5.01% of the share capital of Eutelsat Communications S.A. is held by Abertis Telecom S.a.u., a *sociedad anónima unipersonal* (single stockholder corporation) organized under the laws of Spain. Abertis Telecom S.a.u. is a direct, wholly owned subsidiary of Abertis Infraestructuras S.A., a *sociedad anónima* organized under the laws of Spain and a publicly traded company. Its significant shareholders and their respective shareholdings are disclosed on its website: <http://www.abertis.com/shareholderstructure/var/lang/en/idm/716>. The address of Abertis Telecom S.a.u. and Abertis Infraestructuras S.A. is Edificio B, Avda del Parc Logistic, 12 – 20, 08040, Barcelona, Spain.

6.94% of the share capital of Eutelsat Communications S.A. is held by Land Breeze s.a.r.l. Land Breeze s.a.r.l. is organized under the laws of Luxembourg and is a wholly owned subsidiary of China Investment Corp. (“CIC”). Two other subsidiaries of CIC organized under the laws of the People’s Republic of China, Flourish Investment Corporation and Best Investment Corporation (together with Land Breeze s.a.r.l., the “CIC Entities”), own 0.05% and 0.01% of the shares of Eutelsat Communications S.A., respectively. Information about CIC can be found on its website: <http://www.china-inv.cn/cicen/>.

To the best of Eutelsat Communications S.A.'s knowledge, no other shareholders own, directly or indirectly, more than 10% of its share capital or voting rights. Eutelsat Communications S.A. is managed by a board of directors that currently has 8 members (with a maximum of 12 members), each of whom has a six-year renewable term of office. Currently, four of the directors are independent and three of the directors are affiliated with the BPI. No decisions of the board of directors can be taken or be blocked by three directors. Neither the BPI, nor any of the CIC Entities, nor any foreign government or person controlled by or acting on behalf of a foreign government has or will have the right or power to appoint any of Eutelsat Communications S.A.'s principal officers. None of the CIC Entities has the right or power to appoint any of Eutelsat Communications S.A.'s directors.

More information about Eutelsat Communications S.A., its shareholders, and its governance can be found on its website at www.eutelsat.com.

The following individuals are officers and directors of Eutelsat.

| NAME | TITLE |
|--|--|
| Jean-Martin Folz | Director |
| Michel de Rosen | Director, Chairman of the Board and CEO, Eutelsat Communications |
| Miriam Bensalah Chaqroun | Director |
| Lori Birt | Director, Vice Chairman of the Board |
| Jean-Paul Brillaud | Director |
| Bpifrance participations (BPI) represented by Thomas Devedjian | Director |
| Bertrand Mabile | Director |
| Ross McInnes | Director |
| Elisabetta Oliveri | Director |
| Carole Piwnica | Director |
| Christian Roisse | Board Observer, Executive Secretary of the Eutelsat Intergovernmental Organisation |

The address for the individuals listed above is 70 rue Balard, 75015 Paris, France.

Counsel for Eutelsat is:

Jeffrey Cunard
Debevoise & Plimpton LLP
555 13th Street, N.W., Suite 1100-E
Washington, D.C. 20004
Phone: 202-383-8043
Facsimile: 202-383-8118

Counsel for Satmex is:

Carlos M. Nalda
Squire Sanders (US) LLP
1200 19th Street, NW, Suite 300
Washington, D.C. 20036
Phone: 202-626-6659
Facsimile: 202-626-6780

IV. PUBLIC INTEREST

The Commission previously found that adding Satmex 5, Satmex 6 and Satmex 8 to the Permitted List was in the public interest.⁸ For the same reasons, the public interest will be served by continuing to permit these three satellites to serve the U.S. market.

The technical and operational characteristics of Satmex satellite operations for service to the U.S. market remain unchanged and thus will be fully consistent with FCC rules. Moreover, as is evidenced by recent grants of FCC authority, Eutelsat and its related entities are fully qualified to access the U.S. market in accordance with the Permitted List Authorizations for Satmex 5, Satmex 6 and Satmex 8.

The transaction also will enhance competition by ensuring that U.S. customers continue to have access to satellites that will be ultimately controlled by a stronger and more diverse ownership group with broad expertise in satellite communications services. In particular, this transaction will afford U.S. customers access to additional video, data services, broadband and

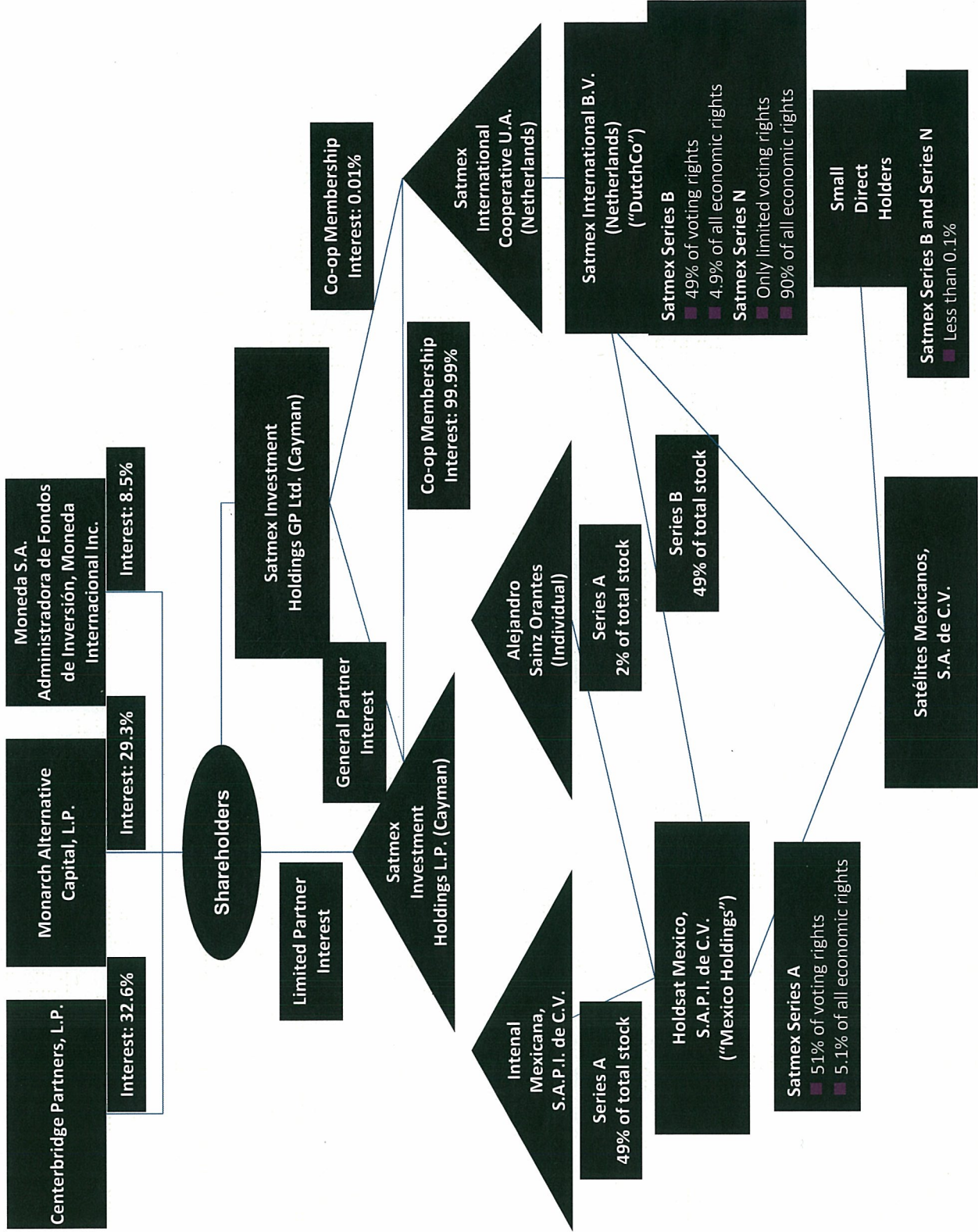
⁸ Satmex 5 Grant; Satmex 6 Grant; Satmex 8 Grant.

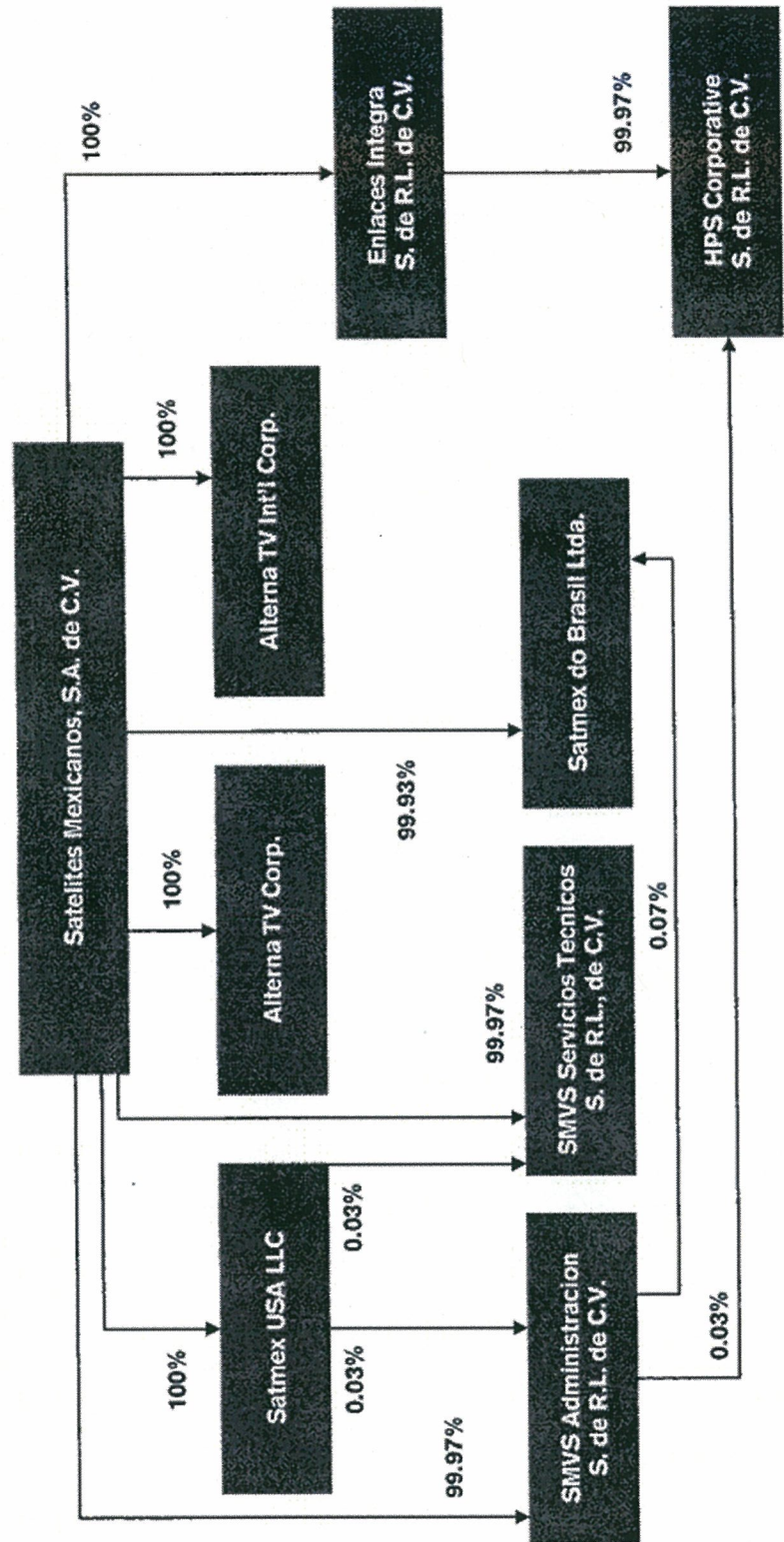
other satellite-based communications applications. Thus, preserving Satmex access to the U.S. market would serve the public interest by facilitating the provision of advanced satellite services in the United States.

V. CONCLUSION

For the reasons stated herein, the change in ownership and control of Satmex does not affect the considerations relied upon by the Commission in granting Satmex access to the U.S. market and the Permitted List authority of Satmex 5, Satmex 6 and Satmex 8 should be maintained.

ATTACHMENT: Ownership Structure





Ownership of Eutelsat

