

S2938 SAT-PPL-20150227-00008 IB2015000375  
Satelites Mexicanos S. A. de C. V.  
EUTELSAT WEST 115 B



File # SAT-PPL-20150227-00008  
Call Sign S2938 Grant Date 06/11/15  
(or other identifier)  
Term Dates See  
From 06/11/15 To: conditions  
Approved: Stephen J. Duall

Approved by OMB  
3060-0678

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File Number: SAT-PPL-20150227-00008  
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\*with conditions

Stephen J. Duall  
Chief, Satellite Policy Branch

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 to add Eutelsat 115 West B (formerly Satmex 7) to Permitted List

1-8. Legal Name of Applicant			
Name:	Satelites Mexicanos S. A. de C. V.	Phone Number:	+5255 2629-5800
DBA Name:		Fax Number:	+52 55 5580-3691
Street:	Av. Paseo de la Reforma 222, Piso 20 y 21, Col. Juarez	E-Mail:	Hector.Fortis@satmex.com
City:	Mexico City	State:	
Country:	Mexico	Zipcode:	-
Attention:	Mr. Hector Fortis		

**Satélites Mexicanos, S.A. de C.V.**  
**IBFS File No. SAT-PPL-20150227-00008**  
**Call Sign S2938**

The petition of Satélites Mexicanos, S.A. de C.V. (formerly Satmex, now operating as Eutelsat Americas<sup>1</sup>), IBFS File No. SAT-PPL-20150227-00008, to add the Eutelsat 115 West B (Eutelsat 115 WB) space station (Call Sign S2938) at the 114.9° W.L. orbital location to the Commission's Permitted Space Station List (Permitted List) is GRANTED. The operations of Eutelsat 115 WB addressed by this grant are licensed by the Administration of Mexico. Eutelsat Americas is granted U.S. market access to use Eutelsat 115 WB to provide Fixed Satellite Service (FSS), including Direct-to-Home Service (DTH), from the 114.9° W.L. orbital location. Each U.S.-licensed earth station with "Permitted List" designated as a point of communication is authorized to access the Eutelsat 115 WB space station at 114.9° to provide FSS and FSS DTH to, from, or within the United States in the 3700-4200 MHz (space-to-Earth), 5925-6425 MHz (Earth-to-space), 11.7-12.2 GHz (space-to-Earth), and 14.0-14.5 GHz (Earth-to-space) frequency bands. Communications between U.S.-licensed earth stations and the Eutelsat 115 WB space station must be in accordance with the terms, conditions, and technical specifications contained in Eutelsat Americas' petition and the Federal Communications Commission's rules not waived herein, and are subject to the following conditions:

1. Eutelsat 115 WB is not authorized to provide any Direct Broadcast Satellite (DBS) or Digital Audio Service (DARS) to, from, or within the United States.
2. Communications between U.S.-licensed earth stations and the Eutelsat 115 WB space station must be in compliance with all existing and future space station coordination agreements reached between Mexico and other Administrations.
3. Eutelsat 115 WB must be maintained with an east/west longitudinal station-keeping tolerance of  $\pm 0.05$  degrees at the 114.9° W.L. orbital location.
4. Eutelsat Americas' request to waive 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, ¶ 10 (Int'l Bur., Sat. Div. 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 operations of Eutelsat 115 WB and the adjacent space stations will not involve the transmission of analog signals. Communications between U.S.-licensed earth stations and Eutelsat 115 WB are conditioned on Eutelsat Americas accommodating future space station networks that comply with Section 25.210(a)(3) and on Eutelsat Americas operating Eutelsat 115 WB pursuant to any existing or future coordination agreements for this location.<sup>2</sup>

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<sup>1</sup> See IBFS File No. SAT-PPL-20131120-00137, grant stamp dated December 24, 2013 (change in ownership and control of three satellites on the Commission's Permitted List in connection with the transfer of indirect ownership of Satélites Mexicanos, S.A. de C.V. to Eutelsat S.A.); Policy Branch Information, Actions Taken, *Public Notice*, Report No. SAT-00988 (rel. December 27, 2013). See also Letter from Fernanda Rarno, Legal Representative, Satelites Mexicanos, S.A. de C.V., to Marlene H. Dortch, Secretary, FCC (January 23, 2013) (confirming consummation of the transaction).

<sup>2</sup> We previously granted a waiver of this rule for Eutelsat 115 WA (formerly known as SATMEX-5), the space station that Eutelsat 115 WB will be replacing at this orbital location. See IBFS File Nos. SAT-PPL-20121218-00217 and SAT-APL-20130308-00028, grant stamp dated May 31, 2013.

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5. Eutelsat Americas' request to waive Section 25.210(i) of the Commission's rules, 47 C.F.R. § 25.210(i), is GRANTED. Section 25.210(i) specifies that FSS space stations must provide a cross-polarization isolation such that the ratio of the on axis co-polar gain to the crosspolar gain of the antenna in the assigned frequency is at least 30 dB within its primary coverage area. Eutelsat Americas indicates that the cross-polarization isolation of the Eutelsat 115 WB space station antennas will be between 25 and 27 dB. This waiver is based on a finding that these shortfalls will not produce a significant increase in interference, except to the applicant itself, and will not adversely affect any other operator. Eutelsat Americas must accommodate future space networks serving the United States that are two-degree compliant.

6. Eutelsat Americas' request to waive Sections 25.114(d)(14)(ii) and 25.283(c) of the Commission's rules, 47 C.F.R. §§ 25.114(d)(14)(ii) and 25.283(c), is GRANTED. Sections 25.114(d)(14)(ii) and 25.283(c) specify that space stations must discharge all stored energy sources at end-of-life of the space station. Eutelsat 115 WB is a Boeing 702SP series satellite, which has an electric propulsion system and will not carry chemical liquid fuel tanks. Eutelsat Americas states that due to the Boeing 702SP design, the spacecraft's xenon tank will not be vented to depletion at the spacecraft's end of life and will still contain approximately 4.2 kg of residual xenon gas within a volume of approximately 233 cubic liters. The information submitted is not sufficient to support a finding that the underlying purpose of Section 25.283(c) would be served by failing to completely vent the xenon tank. Eutelsat 115 WB was launched shortly after this petition for market access was filed and compliance with Sections 25.114(d)(14)(ii) and 25.283(c) is not achievable except through direct retrieval of the spacecraft, which is not practicable at this time. Therefore, we grant requested partial waiver of the rule because undue hardship would result from requiring modification of the space station at this time.

7. The operations of Eutelsat 115 WB and associated earth stations must comport with the applicable uplink limits in 47 C.F.R. §§ 25.212, 25.218, 25.222, 25.226, and/or 25.227, and the downlink limit in 47 C.F.R. § 25.212(c)(2), unless Eutelsat Americas coordinates any non-conforming operation with the operations of U.S.-licensed GSO space stations within 6 degrees of 114.9° W.L. Non-conforming operation must also be coordinated with respect to those operations of non-U.S.-licensed space stations within 6 degrees of 114.9° W.L. involving approved communications with U.S.-licensed earth stations.

8. This grant of market access will terminate in the event that the Eutelsat 115 WB space station is relocated from the 114.9° W.L. orbital location or ceases to operate. In either case, Eutelsat 115 WB will be removed from the Permitted List. If Eutelsat Americas seeks to provide service to the U.S. using another space station, it must file a new application to have that space station placed on the Permitted List.

9. Eutelsat 115 WB is a replacement for the Eutelsat 115 West A (Eutelsat 115 WA) (Call Sign S2589<sup>3</sup>) (formerly known as SATMEX-5<sup>4</sup>) space station at the 114.9° W.L. orbital location in the 3700-4200

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<sup>3</sup> Eutelsat 115 WA (formerly known as SATMEX-5) has also been associated with the call sign S2889. See IBFS File Nos. SAT-PPL-20121218-00217, SAT-APL-20130308-00028, grant stamp dated May 31, 2013 at n.2 (noting that SATMEX-5 had been associated with two different call signs, S2589 and S2889, and correcting IBFS to revert to the space station's original call sign, S2589).


<sup>4</sup> See Letter from Carlos M. Nalda, Principal, LMI Advisors, to Marlene H. Dortch, Secretary, FCC (March 11, 2015) (requesting that the SATMEX-5 space station name on the Permitted List be changed to Eutelsat 115 WA).

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MHz (space-to-Earth), 5925-6425 MHz (Earth-to-space), 11.7-12.2 GHz (space-to-Earth), and 14.0-14.5 GHz (Earth-to-space) frequency bands.<sup>5</sup> Eutelsat 115 WB must begin providing service to the United States at the 114.9° W.L. orbital location in these frequency bands before Eutelsat 115 WA discontinues service at 114.9° W.L. Failure to meet this milestone shall render this authorization to access the U.S. market in the 3700-4200 MHz (space-to-Earth), 5925-6425 MHz (Earth-to-space), 11.7-12.2 GHz (space-to-Earth), and 14.0-14.5 GHz (Earth-to-space) frequency bands NULL and VOID, with no further action on the Commission's part.

10. Eutelsat Americas is afforded thirty days from the date of this action to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

11. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.

 <b>GRANTED*</b> International Bureau *with conditions	File # <u>SAT-PPL-20150227-00008</u>
	Call Sign <u>S2938</u> Grant Date <u>06/11/15</u> (or other identifier)
	From <u>06/11/15</u> Term Dates <u>see conditions</u> To: <u>see conditions</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch

<sup>5</sup> See IBFS File Nos. SAT-PPL-20121218-00217, SAT-APL-20130308-00028, grant stamp dated May 31, 2013 (authorizing SATMEX-5 to operate at the 114.9° W.L. orbital location).

9-16. Name of Contact Representative			
Name:	Carlos M. Nalda	Phone Number:	571-332-5626
Company:	LMI Advisors	Fax Number:	
Street:	8601 James Creek Drive	E-Mail:	cnalda@lmiadvisors.com
City:	Springfield	State:	VA
Country:	USA	Zipcode:	22152 -
Attention:	Mr. Carlos Nalda	Relationship:	Other

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): Non-Feeable Petition for Declaratory Ruling

17c. Fee Classification    BNY – Space Station (Geostationary)

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 checked="" 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.</p> <p><input type="radio"/> Common Carrier   <input checked="" type="radio"/> Non-Common Carrier</p>	<p>22. If earth station applicant, check all that apply.</p> <p>Not Applicable</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:</p> <p><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).</p> <p><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  
Attachment B

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.	Q 34 and 40 Response

**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>Narrative Statement</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.

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 to add the Eutelsat 115 West B satellite (formerly Satmex 7) to the Permitted Space Station List (see Narrative Statement).

Attachment A

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

Link Budgets

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  
Mariana Paez Robles Martinez

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).

Completed Schedule S

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