



June 27, 2016

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Empresa Argentina de Soluciones
Satelitales S.A. ("ARSAT") Petition for Declaratory
Ruling To Add ARSAT-2 to the Permitted Space
Station List ("Petition"); File No. SAT-PPL-
20160304-00024**

Dear Ms. Dortch:

In the above-referenced Petition, Empresa Argentina de Soluciones Satelitales S.A. ("ARSAT"), a company that is wholly-owned by Argentine state-owned companies,¹ requests that the Commission grant it access to the U.S. market by adding ARSAT-2, a satellite licensed by Argentina,² to the Federal Communications Commission's ("FCC" or "Commission") Permitted Space Station List.

The Satellite Industry Association ("SIA")³ asks the Commission to process ARSAT's request for U.S. market access in accordance with the U.S. Argentina Bilateral

¹ See ARSAT Petition, FCC Form 312, Response to Question 34.

² See ARSAT Petition, Narrative ("Narrative") at 2.

³ SIA is a U.S.-based trade association providing worldwide representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers. Since its creation twenty years ago, SIA has advocated for the unified voice of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business. For more information, visit www.sia.org. SIA Executive Members include: The Boeing Company; DIRECTV; EchoStar Corporation; Intelsat S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; Ligado Networks; Lockheed Martin Corporation; Northrop Grumman Corporation; OneWeb; SES Americom, Inc.; Space Exploration Technologies Inc.; SSL; and ViaSat, Inc. SIA Associate Members include: ABS US Corp.;

Agreement and, at the same time, urges it to request of the Argentine government a reciprocal and prompt treatment for the U.S.-licensed satellites seeking authorization to access the Argentine market.

SIA steadfastly supports free market competition among satellite operators as in the public interest. The Commission has found, and SIA agrees, that in almost all instances “[p]roviding opportunities for foreign-licensed satellites to deliver services in this country ... bring U.S. consumers the benefits of enhanced competition and afford greater opportunities for U.S. companies to enter previously closed foreign markets, thereby stimulating a more competitive global satellite services market.”⁴

The Commission has therefore adopted a rebuttable presumption “in favor of entry in considering applications to access non-U.S. satellites licensed by members of the World Trade organization (“WTO”) to provide services covered by the U.S. commitments under the WTO Basic Telecom Agreement.”⁵

A major premise of the presumption is that WTO members will live up to their agreements relative to their treatment of U.S.-licensed satellites. Here, there exists the U.S.-Argentina Bilateral Agreement that requires each country to permit open access to its market by satellites licensed by the other. Each country committed in the Bilateral Agreement to permit satellites licensed by the other country “to provide service to, from and within [its country], in conformance with applicable provisions of [its] laws, rules, regulations, and licensing procedures”⁶ and further committed to “apply its laws, regulations, rules, and licensing procedures in a transparent and non-discriminatory manner to the satellites licensed by either Party.”⁷

SIA’s members have multiple market access applications for U.S. satellites that are awaiting action in Argentina. Some of the applications have been pending for years,

Artel, LLC; Comsat Inc.; Digital Globe Inc.; DRS Technologies, Inc.; Eutelsat America Corp.; Global Eagle Entertainment; Glowlink Communications Technology, Inc.; Hughes; iDirect Government Technologies; Inmarsat, Inc.; Kymeta Corporation; O3b Limited; Panasonic Avionics Corporation; Planet Labs Inc.; TeleCommunication Systems, Inc.; Telesat Canada; TrustComm, Inc.; Ultisat, Inc.; and XTAR, LLC.

⁴ *Amendment of the Commission’s Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, Report and Order, IB Docket No. 96-111, 12 FCC Rcd 24094, (1997)(“DISCO II”), at ¶ 10.

⁵ See Narrative at n.3, quoting DISCO II at ¶ 64.

⁶ *Protocol Concerning the Transmission and Reception of Signals From Satellites for the Provision of Direct-to-Home Satellite Services and Fixed-Satellite Services in the United States of American and the Argentine Republic* (June 5, 1998) (available at

<http://www.state.gov/documents/organization/112469.pdf>) (“US-Argentina Bilateral Agreement”) at 4.

⁷ *Id.*

and to SIA's knowledge no impediment exists to granting them. Consistent with the U.S. - Argentina Bilateral Agreement, Argentina must take prompt action on these applications. Some SIA members have been given indications that the current Argentine administration is taking efforts to address this backlog.

As stated above, SIA fully supports free market competition. Consistent with that position, SIA urges the Commission to work with the Argentine government, which owns ARSAT, to ensure compliance with agreements made under the U.S.- Argentina Bilateral Agreement.

Respectfully submitted,

SATELLITE INDUSTRY ASSOCIATION

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