

S2969 SAT-PPL-20160722-00064 IE2016001677
HISPASAT, S.A.
HISPASAT 30W-6

** GRANT IN PART / DEFER IN PART **



Title # SAT-PPL-20160722-00064
Call Sign S2969 Grant Date 04/06/17
(or other identifier)
From 04/06/17 To conditions
Approved: Stephen J. Duall Term Dates see conditions
Chief Satellite Policy Branch

Approved by OMB
3060-0678

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Call sign/Satellite ID: S2969

* with conditions

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Addition HISPASAT 30W 6 at 30WL

1-8. Legal Name of Applicant

Name:	HISPASAT, S.A.	Phone Number:	+34 917102544
DBA Name:		Fax Number:	
Street:	Paseo de la Castellana 39	E-Mail:	mcgarcia@hispasat.es
City:	Madrid	State:	
Country:	Spain	Zipcode:	
Attention:	Mrs Cristina Garcia de Miguel		

**ATTACHMENT TO GRANT
HISPASAT, S.A.
IBFS File No. SAT-PPL-20160722-00064**

IBFS File No(s):	SAT-PPL-20160722-00064	<p>GRANTED – With Conditions</p>  <p>International Bureau Satellite Division</p>
Licensee/Grantee:	HISPASAT, S.A.	
Call Sign:	S2969	
Satellite Name:	HISPASAT 30W-6	
Orbital Location: (required station-keeping tolerance)	30° W.L. (+/- 0.05 degrees east/west stationkeeping)	
Administration:	Spain	
Nature of Service:	Fixed-Satellite Service (FSS)	
Scope of Grant:	Addition of HISPASAT 30W-6 at 30° W.L. to the Permitted Space Station List to provide fixed-satellite services in the frequencies listed herein. HISPASAT's request for market access to provide fixed-satellite services in the 4500-4800 MHz band is deferred. ¹	
Service Area(s):	See Item S6 of Schedule S and accompanying .gxt files	
Frequencies:	<p><i>Ku-band frequencies:</i> 11.7-12.2 GHz band (space-to-Earth) 13.91-14.5 GHz band (Earth-to-space)</p> <p><i>C- and Ku- Appendix 30B band frequencies:</i> 11.2-11.45 GHz (space-to-Earth) 13.0-13.25 GHz (Earth-to-space) 6725-7025 MHz (Earth-to-space)</p>	
<p>Operations under this grant must comport with the legal and technical specifications set forth by the applicant or petitioner and with Federal Communication Commission's rules not waived herein. This grant is also subject to the following conditions:</p> <ol style="list-style-type: none"> 1. This grant does not include provision of any Direct-to-Home service, Direct Broadcast Satellite service, or Digital Audio Service to, from, or within the United States.² 2. Communications between U.S.-licensed earth stations and the HISPASAT 30W-6 space station must comply with all existing and future space station coordination agreements reached between Spain and other administrations. 3. HISPASAT must maintain the HISPASAT 30W-6 space station within an east/west longitudinal station-keeping tolerance of ± 0.05 degrees of the 30° W.L. orbital location. 4. The operations of HISPASAT 30W-6 and associated earth stations must comport with the applicable uplink and downlink limits in 47 CFR § 25.140(a)(3) of the Commission's rules, unless HISPASAT coordinates any non-conforming operations with the operations of U.S.-licensed geostationary orbit space stations within 6 degrees of the 30° W.L. orbital location. HISPASAT must also comport with the maximum power limits indicated in its application. Non-conforming operation must also be coordinated with respect to those operations of non-U.S.-licensed space stations within 6 degrees of 30° W.L. involving approved communications with U.S.-licensed earth stations. 5. HISPASAT's request for a waiver of Section 25.210(f) of the Commission's rules, 47 CFR § 25.210(f) is GRANTED. Section 25.210(f) requires that Fixed-Satellite Service (FSS) space stations employ full frequency re-use either through orthogonal polarization in the same beam and/or the use of spatially 		

¹ See *infra* paragraph 7.

² With respect to DBS and DTH, this condition excludes from the scope of this market access grant those services specified in Section 25.701(a)(1)-(5) of the Commission's rules. 47 CFR § 25.701(a)(1)-(5).

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independent beams. The purpose of the rule, is to ensure that space stations maximize the use of the spectrum. A waiver in this instance, applicable only to HISPASAT's use of frequencies which operate in an FSS frequency allocation, will not undermine the purpose of Section 25.210(f) because full use of the frequencies has been achieved through a coordination agreement between HISPASAT and Intelsat at the nominal 30° W.L. orbital location, thus ensuring that the use of the spectrum is being maximized.

6. HISPASAT's request for waiver of footnote NG52 of the United States Table of Allocations, 47 CFR § 2.106, NG52, to use the 11.2-11.45 GHz (space-to-Earth) and the 13.0-13.25 GHz (Earth-to-space) frequency bands to offer domestic services on an unprotected, non-interference basis in the United States is GRANTED, as conditioned. HISPASAT has agreed to accept any level of interference from fixed stations, and operators of fixed stations will not be required to coordinate their operations with HISPASAT's receive earth stations.³ Under these circumstances, we determine that no additional coordination burden is placed upon fixed station operators and their ability to expand service in the future would not be restricted in any manner.⁴ Grant here is consistent with prior Commission precedent,⁵ and is subject to the following conditions:
 - a. HISPASAT 30W-6's transmissions in the 11.2-11.45 GHz (space-to-Earth) and the 13.0-13.25 GHz (Earth-to-space) frequency bands that provide domestic service are on an unprotected, non-harmful interference basis relative to fixed stations. As such, HISPASAT 30W-6 must not cause harmful interference to, or claim protection from, fixed stations to which frequencies in the 11.2-11.45 GHz (space-to-Earth) and the 13.0-13.25 GHz (Earth-to-space) frequency bands have either been already assigned, or to which frequencies in the 11.2-11.45 GHz (space-to-Earth) and the 13.0-13.25 GHz (Earth-to-space) frequency bands may be assigned at a later date.
 - b. HISPASAT is required to inform its customers, in writing, including end-users receiving service from resellers accessing capacity on the HISPASAT 30W-6 space station, that the service in the 11.2-11.45 GHz (space-to-Earth) and the 13.0-13.25 GHz (Earth-to-space) frequency bands with regard to domestic service is being provided on an unprotected basis, and that the potential exists that future licensed fixed stations may cause harmful interference to these earth stations
 - c. HISPASAT must terminate operations in the 11.2-11.45 GHz (space-to-Earth) and the 13.0-13.25 GHz (Earth-to-space) frequency bands upon notification that its operations are causing interference to fixed stations operating in this band, and must immediately inform the Commission, in writing, of such an event.
7. HISPASAT's request for market access was coordinated with the National Telecommunications Information Administration (NTIA) because it includes requests for market access in bands shared with Federal operations under the U.S. Table of Frequency Allocations. NTIA opposes the grant of market access in the 4500-4800 MHz due to incompatibility with Federal use of this band. We defer action on this portion of HISPASAT's market access request in order to provide additional time for HISPASAT to address NTIA's concerns.
8. HISPASAT's use of the 11.2-11.45 GHz and 11.45-11.7 GHz (space-to-Earth) frequency band is subject to footnote US211 to the United States Table of Frequency Allocations, 47 CFR § 2.106, US211, which urges applicants for airborne or space station assignments to take all practicable steps to protect radio

³ See HISPASAT, S.A. Petition at 3-4.

⁴ *PanAmSat Licensee Corp. Application for Authority to Use the Extended Ku-Band Frequencies for Domestic Service*, Order and Authorization, 20 FCC Rcd 14642, 14646 (Sat. Div., Int'l Bur., 2005).

⁵ For example, the Intelsat 29e space station, which is currently authorized to operate at 50.0° W.L, has a waiver of footnote NG52 for the 10.95-11.2 and 11.45-11.7 GHz frequency bands portion of the Ku-band as a condition of its current authorization. See *Policy Branch Information: Action Taken*, Public Notice, Report No. SAT-01086 (IBFS File No. SAT-LOA-20130722-00097, as amended by IBFS File No. SAT-AMD-20140718-00087 (May 22, 2015).

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astronomy observations in the adjacent bands from harmful interference, consistent with footnote US74.

9. HISPASAT 30W-6's use of the 11.2-11.45 GHz (space-to-Earth), 13.0-13.25 GHz (Earth-to-space) and 6725-7025 MHz (Earth-to-space) frequency bands is subject to footnote 5.441 to the United States Table of Frequency Allocations, 47 CFR § 2.106, 5.441, which states that operations in these bands shall be in accordance with the provisions of Appendix 30B.
10. Operations of any earth station in the United States and its possessions communicating with the HISPASAT 30W-6 space station in the 13.91-14.0 GHz band (Earth-to-space) must comply with footnote US356 to the United States Table of Frequency Allocations, 47 CFR § 2.106, US356, which specifies a mandatory minimum antenna diameter of 4.5 meters and the maximum equivalent isotropically radiated powers (EIRP) of any emission should be at least 68 dBW and should not exceed 85 dBW. Operations of any earth station located outside the United States and its possessions communicating with the HISPASAT 30W-6 space station in the 13.91-14.0 GHz band (Earth-to-space) are subject to 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.
11. Operations of any earth station in the United States and its possessions communicating with the HISPASAT 30W-6 space station in the 13.91-14.0 GHz band (Earth-to-space) must comply with footnote US357 to United States Table of Frequency Allocations, 47 CFR § 2.106, US357, which specifies a maximum EIRP density of emissions of 71 dBW in any 6 MHz band for communications with a space station in geostationary-satellite orbit.⁶ Operations of any earth station located outside the United States and its possessions communicating with the HISPASAT 30W-6 space station in the 13.91-14.0 GHz band (Earth-to-space) are subject to footnote 5.503 to the ITU Radio Regulations, which specifies a maximum EIRP density of emissions, based on the antenna diameter, for communications with a space station in geostationary-satellite orbit.
12. Operation of HISPASAT 30W-6 in the 14.47-14.5 GHz (Earth-to-space) frequency band is subject to the terms of footnote US342 to the United States Table of Frequency Allocations, 47 CFR § 2.106, US342, which urge applicants to take all practicable steps to protect the radio astronomy service from harmful interference.
13. This grant of U.S. market access for the 11.2-11.45 GHz (space-to-Earth), 13.0-13.25 GHz (Earth-to-space); 13.91-14.0 GHz (Earth-to-space), 14.25-14.5 GHz (Earth-to-space), and 6725-7025 MHz (Earth-to-space) frequency bands is subject to the following requirements:
 - a. HISPASAT must post a surety bond in satisfaction of 47 CFR §§ 25.165(a)(2) & (b) no later than May 8, 2017, and thereafter maintain on file a surety bond requiring payment in the event of a default in an amount, at minimum, determined according to the formula set forth in 47 CFR § 25.165(a)(2); and
 - b. HISPASAT must launch the space station, position it in its assigned orbital location, and operate it in accordance with the station authorization no later than April 6, 2022, 47 CFR § 25.164(a).

This grant of U.S. market access will be null and void automatically, without further Commission action if HISPASAT fails to comply with any of these requirements. Failure to comply with the milestone requirement of 47 CFR § 25.164(a) will also result in forfeiture of HISPASAT's surety bond. By April 22, 2022, HISPASAT must either demonstrate compliance with its milestone requirement or notify the Commission in writing that the requirement was not met. 47 CFR § 25.164(f).

14. HISPASAT 30W-6 must begin providing service at the 30° W.L. orbital location in the 11.7-12.2 GHz (space-to-Earth) and 14.0-14.5 GHz (Earth-to-space) frequency bands before the satellite it is replacing,

⁶ Footnote US357 places a restriction on FSS earth station operations in order to protect government operations in the band, including manned space flight. 47 CFR § 2.106, US357.

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HISPASAT 30W-4 (Call Sign S2476), discontinues service at the 30° W.L. orbital location. Failure to meet this condition will render this authorization to operate in these frequency bands NULL and VOID.

15. This grant of market access will terminate in the event that the HISPASAT 30W-6 space station is relocated from the 30° W.L. orbital location or ceases to operate. In either case, HISPASAT 30W-6 will be removed from the Permitted Space Station List. If HISPASAT seeks to provide service to the United States from the 30° W.L. orbital location using another space station or seeks to operate HISPASAT 30W-6 from another orbital location, it must file a new petition for market access to have the station placed on the Permitted List.

Licensee/grantee is afforded thirty (30) days from the date of release of this action to decline the grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.


This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 CFR § 0.261, and is effective upon release.

Station licenses are subject to the conditions specified in Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(h).

Action Date:	April 6, 2017
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Term Dates	From: April 6, 2017	To: see conditions
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Approved:


Stephen J. Duall
Chief, Satellite Policy Branch

9-16. Name of Contact Representative

Name:	HISPASAT, S.A.	Phone Number:	+34 917102544
Company:		Fax Number:	
Street:	Paseo de la Castellana 39	E-Mail:	mcgarcia@hispasat.es
City:	Madrid	State:	
Country:	Spain	Zipcode:	-
Attention:		Relationship:	

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): 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

<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</p> <p><input type="checkbox"/> b. Mobile Satellite</p> <p><input type="checkbox"/> c. Radiodetermination Satellite</p> <p><input type="checkbox"/> d. Earth Exploration Satellite</p> <p><input type="checkbox"/> e. Direct to Home Fixed Satellite</p> <p><input type="checkbox"/> f. Digital Audio Radio Service</p> <p><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 type="checkbox"/> a. C-Band (4/6 GHz) <input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz)</p> <p><input checked="" type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.)</p> <p>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. Exhibit A	

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

Exhibit C

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. Exhibit B

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? Spain

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.)

HISPASAT respectfully requests that the Commission issue a declaratory ruling adding the HISPASAT 30W-6 satellite at 30

Cover letter30wl

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.

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