



File # SAT-PPL-20160722-00064

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From To: Before the

FEDERAL COMMUNICATIONS COMMISSION

Approved: Washington, DC 20554

** EXTENSION OF TIME TO FILE SURETY BOND **

Stephen J. Duall Chief, Satellite Policy Branch

In the Matter of HISPASAT, S.A.

Petition for Declaratory Ruling to Add HISPASAT 30W-6 Satellite Nominally at 30° W.L. to the Commission's Permitted Space Station List for the Ku-Band; and

Petition for Declaratory Ruling to Serve U.S. Market Using the Extended Ku-Band 13.75-14.0 GHz and 6725-7025/4500-4800 MHz and 13.0-13.25/11.2-11.45 GHz Capacity on HISPASAT 30W-6

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MOTION FOR EXTENSION OF TIME OR, IN THE ALTERNATIVE, FOR WAIVER

In December 2015, the Commission comprehensively revised its milestone and bond rules.1 Those rules took effect on September 19, 2016.2 On April 6, 2017, the Commission granted in part and deferred in part HISPASAT, S.A.'s ("HISPASAT") petition for declaratory ruling to add the HISPASAT 30W-6 satellite to the Commission's Permitted Space Station List and for U.S. market access in extended Ku-band frequencies.3 Under the new rules and the conditions of HISPASAT's authorization, HISPASAT must post a surety bond that complies with the requirements of 47 C.F.R. § 25.165(a)(2) & (b) by May 8, 2017.

1 See Comprehensive Review of Licensing and Operating Rules for Satellite Services, Second Report and Order, 30 FCC Rcd 14713, ¶¶ 49-85 (2015) ("Satellite Rules Order").

2 See International Bureau Announces Effective Date of Rules Adopted in the Part 25 Second Report and Order, Public Notice, 31 FCC Rcd 9807 (2016).

3 See Stamp Grant, HISPASAT, S.A. Petition for Declaratory Ruling to Add HISPASAT 30W-6 Satellite Nominally at 30° W.L. to the Commission's Permitted Space Station List for the Ku-Band; and Petition for Declaratory Ruling to Serve U.S. Market Using the Extended Ku-Band 13.75-14.0 GHz and 6725-7025/4500-4800 MHz and 13.0-13.25/11.2-11.45 GHz Capacity on HISPASAT 30W-6, SAT-PPL-20160722-00064 (Apr. 6, 2017).

This is the first instance in which HISPASAT has been required to post a surety bond under the new rules, and HISPASAT has worked diligently to develop a form of surety bond that complies with the Commission's requirements. As a foreign entity based in Spain, however, HISPASAT is facing challenges coordinating among the large number of people involved in developing, obtaining, and approving a surety bond that meets the Commission's requirements. Accordingly, HISPASAT is concerned that it will require a brief amount of additional time to complete its efforts. HISPASAT therefore respectfully requests a three-week extension, to May 30, 2017, of the 30-day deadline in 47 C.F.R. § 25.165(a) and Condition 13.a of HISPASAT's authorization for posting a conforming surety bond. In the alternative, HISPASAT requests that the Commission waive the 30-day deadline in 47 C.F.R. § 25.165(a) and Condition 13.a of HISPASAT's authorization, allowing the posting of a conforming surety bond on or before May 30, 2017.

The Commission has the authority to grant extensions of deadlines or waive its rules upon a showing of good cause.⁴ HISPASAT has met that standard here. HISPASAT has familiarized itself with the January 18, 2017 Public Notice in which the International Bureau clarified procedures for maintaining surety bonds pursuant to escalating bond requirements⁵ and has worked diligently to comply with the new milestone and bond regime. Given the novelty of the new regime, the fact that this is the first instance in which HISPASAT has been required to post a surety bond under the new rules, and that as a foreign entity based in Spain HISPASAT

⁴ See, e.g., *Request for Initiation of Proceeding into Character of WorldCom, Inc. and Other Commission Licensees*, Order, 17 FCC Rcd 25331, ¶ 4 (2003) (finding "good cause for an extension of the deadline"); *Satellite Rules Order*, ¶ 88 ("The Commission may waive any rule for good cause.").

⁵ *International Bureau Clarifies Procedures for Maintaining Satellite Space Station Surety Bonds Pursuant to Escalating Bond Requirements*, Public Notice, DA 17-81 (Jan. 18, 2017).

has been required to coordinate among a large number of people involved in developing, obtaining, and approving a surety bond that meets the Commission's requirements, there is good cause for the brief extension or waiver requested here.

In addition, grant of this request poses no harm. The additional time requested is only a few weeks and thus shorter than another extension granted by the FCC.⁶ Importantly, the extension and waiver that HISPASAT seeks will not alter either its surety bond obligations under 47 C.F.R. § 25.165(a)(2) or its launch milestone date under 47 C.F.R. § 24.164(a). That is, both the minimum value of the bond required under § 25.165(a)(2) and the launch milestone date under 47 C.F.R. § 24.164(a) will continue to be calculated from the date of the authorization (April 6, 2017). In fact, HISPASAT anticipates launching and operating the HISPASAT 30W-6 satellite in the first half of 2018, which is several years prior to the launch milestone date of April 6, 2022.

For the foregoing reasons, the Commission should either extend HISPASAT's deadline for posting the surety bond for this authorization to May 30, 2017 or should waive 47 C.F.R. § 25.165(a)(2) and Condition 13.a of HISPASAT's authorization to permit posting of the surety bond on or before that date.

Respectfully submitted,
HISPASAT, S.A.

By: /s/ _____

Cristina García de Miguel
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May 5, 2017

⁶ See, e.g., Spectrum Five LLC, Further Renewed Motion for Extension of Time, File Nos. SAT-LOI-20160308-00025 and 00026 (granted Feb. 9, 2017) (further extending the November 4, 2016 bond posting deadline to February 24, 2017).