

S3031 SAT-PPL-20180302-00018 IB2018000532
Eutelsat S.A.
E133WA



File # SAT-PPL-20180302-00018

Call Sign S3031 Grant Date 08/16/18
(or other identifier)

From 08/16/18 Term Dates see conditions
To: conditions

Approved: *Stephen J. Duall*
Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

Date & Time Filed: Mar 2 2018 8:18:44:223PM
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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 Declaratory Ruling for EUTELSAT 133 WA to be Added to the Permitted List

1-8. Legal Name of Applicant			
Name:	Eutelsat S.A.	Phone Number:	+ 33153984747
DBA Name:		Fax Number:	
Street:	70, rue Balard	E-Mail:	cnalda@lmiadvisors.com
City:	Paris	State:	
Country:	France	Zipcode:	-
Attention:	Mr Jacques Dutronc		

ATTACHMENT TO GRANT
 Eutelsat S.A.
 IBFS File No. SAT-PPL-20180302-00018

IBFS File No(s):	SAT-PPL-20180302-00018	<p>GRANTED – With Conditions</p>  <p>International Bureau Satellite Division</p>
Licensee/Grantee:	Eutelsat S.A. (Eutelsat)	
Call Sign:	S3031	
Satellite Name:	EUTELSAT 133WA	
Orbital Location: (required station-keeping tolerance)	132.85° W.L. (± 0.10 degrees)	
Administration:	France	
Nature of Service:	Fixed-Satellite Service (FSS)	
Scope of Grant:	Conditional grant of U.S. market access, including addition to the Permitted Space Station List, via the EUTELSAT 133WA space station at the 132.85° E.L. orbital location.	
Previous Grant(s):	N/A	
Service Area(s):	CONUS, Alaska	
Frequencies:	10.95-11.20 GHz (space-to-Earth) 11.45-11.7 GHz (space-to-Earth) 13.75-14.5 GHz (Earth-to-space) ¹ TT&C: ² Telemetry: 11451.091 MHz, 11452.570 MHz Command: 13750.6 MHz	
<p>Unless otherwise specified herein, 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"> Eutelsat IS GRANTED conditional access to the U.S. market via its Ku-band space station, EUTELSAT 133WA, at the 132.85° W.L. orbital location to the extent that Galaxy 15R space station (Call Sign S3015) is not operating at the 133.0° W.L. orbital location authorized to use the 10.95-11.20 GHz, 11.45-11.7 GHz, and 13.75-14.5 GHz frequency bands pursuant to a prior license issued to Intelsat License LLC (Intelsat).³ 		

¹ Pursuant to Section 25.140(d) of the Commission’s rules, 47 CFR § 25.140(d), SES notified the Commission by letter that it planned to operate the 13.75-14.5 GHz (Earth-to-space) frequency band at a non-routine transmission level and that such operation had been coordinated with operators of authorized co-frequency space stations located within six degrees of the nominal 135° W.L. orbital location. *See* Letter from Petra A. Vorwig, SES Senior Legal and Regulatory Counsel, to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 10, 2018) (on file in IBFS File No. SAT-MOD-20170518-00073). The notification from SES and similar notifications regarding non-routine transmission levels was placed on public notice on July 26, 2018 pursuant to Section 25.140(d). *See Satellite Policy Branch Information: Notifications of “Non-Routine” Transmission Levels*, Public Notice, DA 18-779 (July 26, 2018).

² EUTELSAT 133WA has the capability to operate in S-band frequencies for back up TT&C operations. Letter from Carlos M. Nalda, Counsel to Eutelsat, to Marlene H. Dortch Secretary, Federal Communications Commission (July 13, 2018), These S-band frequencies were not included in Eutelsat’s Petition for Market Access for EUTELSAT 133WA, and no market access in these S-band frequencies is granted herein. We note that Eutelsat has requested use of S-band frequencies for TT&C operations during the drift of EUTELSAT 133WA to the 132.85° W.L. in a separate earth station application. *See* IBFS File No. SES-STA-20180711-01659.

³ IBFS File No. SAT-LOA-20170524-00078 (granted May 10, 2018). Intelsat initially opposed Eutelsat’s petition for market access for EUTELSAT 133WA at the nominal 133° W.L. orbital location in the same Ku-band frequencies that will be used by Galaxy 15R, but subsequently informed that it did not oppose Eutelsat’s request on an interim basis provided that any grant of market access is conditioned on Eutelsat ceasing U.S. operations prior to the arrival of Galaxy 15R at the 133.0°

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2. This market access grant shall terminate thirty days before the Galaxy 15R space station commences operations in the 10.95-11.20 GHz, 11.45-11.7 GHz, and 13.75-14.5 GHz frequency bands at the 133.0° W.L. orbital location.
3. This grant does not include the provision of any Direct-to-Home (DTH) service, Direct Broadcast Satellite Service (DBS) or Digital Audio Service (DARS) to, from, or within the United States.
4. Communications between U.S.-licensed earth stations and the EUTELSAT 133WA space station shall comply with all existing and future space station coordination agreements reached between France and other administrations.
5. Eutelsat's operations of the EUTELSAT 133WA space station in the 10.95-11.20 GHz and 11.45-11.7 GHz (space-to-Earth) frequency bands are limited to international operations in accordance with footnote NG52 to the United States Table of Frequency Allocations. 47 CFR § 2.106, NG52.
6. In its operations of the EUTELSAT 133WA space station in the 10.95-11.20 GHz and 11.45-11.7 GHz (space-to-Earth) frequency bands, Eutelsat is urged to take all practicable steps to protect radio astronomy observations in accordance with footnote US211, and consistent with footnote US74, to the United States Table of Frequency Allocations. 47 CFR § 2.106, US211.
7. Operations in the 11.45-11.7 GHz frequency band (space-to-Earth) are authorized up to the applicable power flux-density limits contained in Section 25.208, 47 CFR § 25.208, and Article 21 of the ITU Radio Regulations.
8. Communications between U.S.-licensed earth stations and the EUTELSAT 133WA space station in the 13.75-14.0 GHz frequency band (Earth-to-space) are subject to footnote US337 of the United States Table of Frequency Allocations, 47 CFR § 2.106, US337, which requires any earth station in the United States and its possessions communicating with the EUTELSAT 133WA space station in the 13.75-14.0 GHz frequency band be coordinated through the National Telecommunications and Information Administration's (NTIA) Frequency Assignment Subcommittee to minimize harmful interference to the National Aeronautics and Space Administration (NASA) Tracking and Data Relay Satellite System's (TDRSS) forward space-to-space link (TDRSS forward link-to-LEO).
9. In its operations of the EUTELSAT 133WA space station in the 14.0-14.5 GHz (Earth-to-space), Eutelsat is urged to take all practicable steps to protect the radio astronomy service from harmful interference in accordance with footnotes 5.149 and US342 to the United States Table of Frequency Allocations. 47 CFR § 2.106, 5.149, US342.
10. Communications between U.S.-licensed earth stations and the EUTELSAT 133WA space station in the 13.75-14.0 GHz frequency band (Earth-to-space) are subject to footnote US356 of the United States Table of Frequency Allocations, 47 CFR § 2.106, US356, which specifies a mandatory minimum antenna diameter of 4.5 meters and a recommended minimum and maximum equivalent isotropically radiated power (EIRP). Operations of any earth station located outside of the United States and its possessions communicating with the EUTELSAT 133WA space station in the 13.75-14.0 GHz frequency band (Earth-to-space) to provide service to the United States must be consistent with footnote 5.502 of the International Telecommunication Union (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. In the 13.75-14.0 GHz frequency band (Earth-to-space), receiving space stations in the fixed-satellite service must not claim protection from radiolocation transmitting stations operating in accordance with the United States Table of Frequency Allocations.
11. Operations of any earth station in the United States and its possessions communicating with the EUTELSAT 133WA space station in the 13.75-14.0 GHz frequency band (Earth-to-space) must comply

W.L. orbital location. Letter from Jennifer D. Hindin, Counsel to Intelsat, to Marlene H. Dortch, Secretary, Federal Communications Commission (June 13, 2018).

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with footnote US357 to the United States Table of Frequency Allocations, 47 CFR § 2.106, US357, which specifies that the EIRP density of emissions must not exceed 71 dBW in any 6 MHz band for communications with a space station in geostationary-satellite orbit. Operations of any earth station located outside of the United States and its possessions communicating with the EUTELSAT 133WA space station in the 13.77-1.78 GHz frequency band (Earth-to-space) to provide service to or from the United States must comply with footnote 5.503 to the ITU Radio Regulations, which specifies a required maximum EIRP density of emissions (limit is dependent on antenna diameter) for communications with a space station in geostationary-satellite orbit.

12. The operations of EUTELSAT 133WA and associated earth stations in the Ku-band must comport with the applicable uplink and downlink limits in 47 CFR § 25.140(a)(3) of the Commission's rules, unless Eutelsat coordinates any non-conforming operations with the operations of U.S.-licensed geostationary orbit space stations within 6 degrees of the 132.85° W.L. orbital location. However, as agreed by Eutelsat,⁴ uplink EIRP density limits will be 0.58 dB more stringent than those prescribed in 47 CFR § 25.140(a)(3). Non-conforming operation must also be coordinated with respect to those operations of non-U.S. licensed space stations within 6 degrees of 132.85° W.L. involving approved communications with U.S.-licensed earth stations.
13. Eutelsat's request for a waiver of Section 25.210(j) of the Commission's rules, 47 CFR § 25.210(j), to allow EUTELSAT 133WA operate with a station-keeping tolerance of $\pm .10^\circ$ is granted. Section 25.210(j) states that space stations "must be maintained within 0.05 degrees of their assigned orbital longitude in the east/west direction, unless specifically authorized by the Commission to operate with a different longitudinal tolerance." Eutelsat states that operating EUTELSAT 133WA at a $\pm .10^\circ$ station-keeping tolerance will have no adverse impact on other operators because the volume will not overlap with that of any other satellites. Moreover, any increase in the interference that may be caused to neighboring satellites has been taken into account in condition 14 above. According to Eutelsat, the larger station-keeping volume will also allow Eutelsat to conserve fuel and extend the life of EUTELSAT 133WA. This waiver is limited to this spacecraft, does not extend any other spacecraft, and it is limited to operations at the 132.85° W.L. orbital location.
14. Eutelsat's request for a waiver of Section 25.283(c) is granted. Section 25.283(c) specifies that space stations must discharge all stored energy sources at end-of-life of the space station. EUTELSAT 133WA is a Thales Alenia (formerly Alcatel) Spacebus 3000 spacecraft that is not designed to vent all of its pressurized systems. Following the launch of the spacecraft on March 8, 2001, two helium pressurant tanks were permanently sealed by firing pyrotechnic valves. As a result, at the end of EUTELSAT 133WA's operational life, there will be helium remaining in the tanks that cannot be vented. Eutelsat states that the volume of the two helium tanks are 5.15 liters and 51.7 liters, and at end of life there will be 0.5 kilograms of helium remaining in each tank. We grant the requested waiver because EUTELSAT 133WA was launched before Section 25.283(c) was adopted and compliance with Section 25.283(c) is not achievable except through direct retrieval of the spacecraft. In making this determination, however, we note that information submitted in the application is not sufficient to support a finding that the intent of the rule would be satisfied by the described procedure for sealing the helium tanks.
15. Pursuant to Section 25.280(a), 47 CFR § 280(a), Eutelsat must notify the Commission by letter within 30 days after the last north-south station-keeping maneuver. Eutelsat is required to operate EUTELSAT 133WA pursuant to Section 25.280(b), 47 CFR § 280(b).
16. Eutelsat's grant of market access will terminate in the event that the EUTELSAT 133WA space station is relocated from the 132.85° W.L. orbital location or ceases to operate. If Eutelsat seeks to provide service to the United States using another space station or seeks U.S. market access via EUTELSAT 133WA from another location, it must file a new petition for market access.

⁴ See Opposition and Response of Eutelsat S.A., filed May 17, 2018.

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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 C.F.R. § 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:	August 16, 2018	
Term Dates	From: August 16, 2018	To: see conditions

Approved:



Stephen J. Duall
Chief, Satellite Policy Branch

9-16. Name of Contact Representative			
Name:	Carlos Nalda	Phone Number:	+15713325626
Company:	LMI Advisors	Fax Number:	
Street:	2550 M Street, NW Suite 345	E-Mail:	cnalda@lmiadvisors.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20037 -
Attention:		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 (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</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 to be Added to the Permitted List

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 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 type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" 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 type="radio"/> Yes <input type="radio"/> No <input checked="" 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 type="radio"/> Yes <input type="radio"/> No <input checked="" 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.	

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>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? France

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 Declaratory Ruling for EUTELSAT 133WA to be Added to the Permitted List at 133 W. L. using Ku−band Frequencies

Narrative and Tech.

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
Jacques Dutronc

46. Title of Person Signing
Chief Development & Innovation Officer

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).

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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.