

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Eutelsat S.A.	)	
	)	
Petition for Declaratory Ruling for	)	File No.:
EUTELSAT 139 West A To Access the	)	Call Sign:
U.S. Market and To Be Added to the	)	
Permitted Space Station List at the	)	
Nominal 139° W.L. Orbital Location	)	

**PETITION FOR DECLARATORY RULING**

Eutelsat S.A. (“Eutelsat”) respectfully files this Petition for Declaratory Ruling (“Petition”) pursuant to Section 25.137(a) of the Commission’s Rules, 47 C.F.R § 25.137(a), to access the U.S. market using the French-licensed EUTELSAT 139 West A satellite (currently known as EUTELSAT 7A), and to add the satellite to the Permitted Space Station List (“Permitted List”) in relevant Ku-band frequencies, at the nominal 139° W.L. orbital location.<sup>1</sup>

In this Petition, Eutelsat demonstrates that it is legally, technically, and otherwise qualified to hold the requested authority; that the proposed operations are compliant with applicable Commission rules and policies; and that grant of the Petition would serve the public interest, convenience, and necessity.

**I. INTRODUCTION AND BACKGROUND**

EUTELSAT 139 West A, a French-licensed satellite currently in orbit at the 7° E.L. orbital location, seeks to operate at the 139° W.L. orbital location to provide fixed-satellite service (“FSS”) connectivity to a range of users in Ku-band frequencies. The EUTELSAT

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<sup>1</sup> Given the existence of two U.S.-licensed satellites at 139°W.L., Eutelsat will operate the EUTELSAT 139 West A satellite at the 139.2° W.L. orbital location to avoid potential overlap of the satellites’ station-keeping boxes.

139 West A satellite was launched on 16 March 2004 and the end of its operational life is not expected before mid-2025. Therefore, the satellite is an excellent candidate to provide near-term service from the nominal 139° W.L. orbital location, where the French Administration has International Telecommunication Union (“ITU”) date priority in Ku-band frequencies.<sup>2</sup>

EUTELSAT 139 West A will soon commence relocation to 139° W.L. and will begin operating from that location by 1 April 2020. Eutelsat seeks to utilize the EUTELSAT 139 West A satellite to provide Ku-band mobility and other FSS services (*e.g.*, gateway operations supporting mobility applications) in the United States. With this Petition, Eutelsat seeks Commission authority to permit such operations in the 10.95-11.2 GHz, 11.45-11.7 GHz, and 12.5-12.75 GHz (space-to-Earth) bands, and the 13.75-14.5 GHz (Earth-to-space) bands, and requests inclusion on the Permitted List at its new location for eligible bands.<sup>3</sup> For the reasons discussed herein, grant of this Petition will serve the public interest by allowing Eutelsat to meet growing U.S. market demand for aeronautical satellite services among other services.

## II. DISCUSSION

The Commission will allow non-U.S. licensed satellites to access the U.S. market and will include them on the Permitted List upon their establishing compliance with Sections 25.114 and 25.137 of the Commission’s Rules, 47 C.F.R. §§ 25.114 & 25.137, and demonstrating that the public interest would be served by such inclusion. This Petition and accompanying information, including requests for necessary waivers, establish that

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<sup>2</sup> The EUTELSAT 139 West A satellite will operate under French F-SAT-N4-139W and F-SAT-N6-139W satellite network filings at the ITU.

<sup>3</sup> Eutelsat understands that the 10.95-11.2 GHz and 11.45-11.7 GHz bands (space-to-Earth) and the 13.75-14.5 GHz bands (Earth-to-space) can be utilized by U.S. earth stations under Permitted List authority, subject to appropriate demonstrations, but that authority to operate with EUTELSAT 139 West A in the 12.5-12.75 GHz band must be specifically added to earth station licenses.

adding the EUTELSAT 139 West A satellite to the Permitted List would be consistent with the Commission's rules and policies.

**A. Legal Qualifications**

The legal qualifications of Eutelsat are a matter of record before the Commission. Eutelsat and its affiliates operate many satellites that have been approved by the Commission for inclusion on the Permitted Space Station List or as authorized points of communication for U.S. earth station licensees,<sup>4</sup> and ES 172 LLC, a Eutelsat subsidiary, holds two Commission space station licenses. Eutelsat provides additional information regarding its legal qualifications in FCC Form 312 and relevant attachments to this Petition.<sup>5</sup>

As explained below, Eutelsat seeks market access and Permitted List inclusion for EUTELSAT 139 West A to provide additional Ku-band capacity to satisfy growing U.S. demand for aeronautical mobility and other FSS services, and to afford additional flexibility in meeting that demand.

**B. Technical Qualifications**

Pursuant to Section 25.137(d) of the Commission's Rules, 47 C.F.R. § 25.137(d), Eutelsat demonstrates in this Petition that the proposed operations of EUTELSAT 139 West A comply with all applicable Commission requirements for non-U.S. licensed satellites to operate in the United States. Eutelsat provides the attached Engineering Statement, Schedule

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<sup>4</sup> See, e.g., Permitted Space Station List (available at <https://www.fcc.gov/permitted-space-station-list>); see also FCC Space Station Approval List (available at <https://www.fcc.gov/approved-space-station-list>).

<sup>5</sup> EUTELSAT 139 West A is a French-licensed satellite and France is a member country of the World Trade Organization ("WTO"). Where, as here, a non-U.S. satellite licensed by a WTO-member country seeks authority to provide satellite service covered by the WTO Basic Telecommunications Agreement, the Commission presumes that foreign country participation will promote competition in the United States. See 47 C.F.R. § 25.137(a)(2); see also *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, ¶ 39 (1997). Accordingly, Eutelsat need not make the effective competitive opportunities showing set out in Section 25.137 of the Commission's Rules.

S, and associated materials containing information relating to the technical and operational characteristics of the EUTELSAT 139 West A satellite.

### **1. Spectrum Compatibility**

Eutelsat seeks market access for operations in the 10.95-11.2 GHz and 11.45-11.7 GHz (space-to-Earth) bands, and the 13.75-14.5 GHz (Earth-to-space) bands, all of which are available for use under Permitted List authority.<sup>6</sup> Eutelsat also seeks to include market access for operations in the 12.5-12.75 GHz (space-to-Earth) band in the EUTELSAT 139 West A satellite's market access authority.

The United States Table of Frequency Allocations ("Table of Allocations"), Section 2.106 of the Commission's Rules, 47 C.F.R. § 2.106, identifies conditions for spectrum use by FSS networks in the 10.95-11.2 GHz, 11.45-11.7 GHz, and 13.75-14.5 GHz bands. In the 10.95-11.2 GHz and 11.45-11.7 GHz bands, FSS operations are co-primary with terrestrial fixed services ("FS") and access to the band has been permitted for a range of earth station receive operations subject, in part, to not claiming protection from FS operations.<sup>7</sup>

The Table of Allocations identifies FSS operations in the 13.75-14.0 GHz band as co-primary with U.S. government shipboard radar radiolocation and National Aeronautics and Space Administration ("NASA") Tracking and Data Relay Satellite Systems ("TDRSS") operations. Eutelsat will operate the EUTELSAT 139 West A satellite consistent with the Table of Allocations and the Commission's policies governing use of the 13.75-14.0 GHz band. In particular, Eutelsat acknowledges that applicants proposing uplink earth station operations with EUTELSAT 139 West A would be required to comply with FCC Report and

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<sup>6</sup> See 47 C.F.R. § 25.115(k)(1); see also 47 C.F.R. § 25.103 (definitions of Permitted Space Station List and Extended Ku-band).

<sup>7</sup> See 47 C.F.R. § 2.106 at footnote NG52; see also note 4, *supra*.

Order 96-377<sup>8</sup> to protect U.S. government operations from harmful interference. Eutelsat will coordinate operation of the EUTELSAT 139 West A satellite with NASA TDRSS operations.

In the 14.0-14.5 GHz band FSS operations are considered primary and the Commission routinely grants authority for satellite operations in this band. Eutelsat affirms that operations of the EUTELSAT 139 West A satellite in this band will continue to comply with the Commission's rules, including to the extent applicable, footnotes 5.149, US113, US133, US342, and NG527A to the Table of Allocations, by taking all practicable steps to protect the radio astronomy service and TDRSS operations from harmful interference.

Eutelsat also seeks authority for EUTELSAT 139 West A to use the 12.5-12.75 GHz (space-to-Earth) band on a non-conforming basis that will not conflict with other operations in the band and Eutelsat includes a waiver request to enable these proposed operations.<sup>9</sup> The 12.5-12.7 GHz downlink band is allocated to terrestrial fixed ("FS") and Broadcast Satellite Service ("BSS"), and the 12.7-12.75 GHz downlink band is allocated to FS, mobile service ("MS") and FSS (Earth-to-space). Eutelsat will operate in the 12.5-12.75 GHz downlink band consistent with power levels applicable to FSS operations in Regions 1 and 3 and designed to protect co-frequency terrestrial services.<sup>10</sup>

Importantly, because all earth station operations in this 12.5-12.75 GHz band require separate licensing by Commission, it will have an opportunity to fully review any proposed operations to ensure compliance with its rules and policies (including compatibility with BSS

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<sup>8</sup> See *Amendment of Parts 2, 25 and 90 of the Commission's Rules to Allocate 13.75-14.0 GHz Band to the Fixed-Satellite Service*, Report and Order, FCC 96-377 (rel. September 26, 1996).

<sup>9</sup> Eutelsat's subsidiary, ES 172 LLC, and New Skies Satellites B.V. have been granted authority to operate in this band in similar circumstances. See ES 172 LLC, File No. SAT-RPL-20170927-00136 (grant reissued Sept. 5, 2018) ("EUTELSAT 172B Grant"); New Skies Satellites B.V., File No. SAT-PDR-20190403-00022 (granted Sept. 12, 2019) ("NSS-6 Grant").

<sup>10</sup> See Engineering Statement and Schedule S; see also EUTELSAT 172B Grant at Condition 4, and NSS-6 Grant at Condition 8(e).

downlinks). Thus, the EUTELSAT 139 West A satellite can be authorized to operate in this spectrum, on a non-conforming (unprotected, non-harmful interference) basis.<sup>11</sup>

## 2. Satellite Beam Pointing

The EUTELSAT 139 West A satellite includes three regional fixed Ku-band uplink beams and three regional fixed Ku-band downlink beams, of which only three (CONUS A Uplink (satellite receive), CONUS A Downlink (satellite transmit), and CONUS B Downlink (satellite transmit)) will be used to serve the United States.<sup>12</sup> The beams will be configured to cover the contiguous United States (CONUS). However, Eutelsat seeks to obtain the operational flexibility to facilitate reorientation of these beams. Specifically, Eutelsat wishes to accommodate potential future access to EUTELSAT 139 West A by Ku-band mobility terminals, possibly requiring reorientation of the entire satellite or some beams, which would in turn alter the beam footprints on the surface of the Earth from the nominal 139° W.L. orbital location.

The technical information in this Petition includes beam characteristics as EUTELSAT 139 West A is currently planned to be oriented upon arrival at its proposed location. To the extent the beams are reoriented, Eutelsat will conform to all Commission operating requirements in the new orientation, including permissible transmit and receive power levels. Thus, the spectrum compatibility demonstration set forth in this application would be valid and applicable to any satellite orientation adjustments that Eutelsat might make in response to customer requirements.

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<sup>11</sup> See Section D.1, *infra*, for associated waiver request.

<sup>12</sup> The EUTELSAT 139 West A also has S-band, AP30B band, and Ka-band payloads. However, no market access is requested for these additional bands and so they are not subjects of this filing.

### **3. Inclined Orbit**

The EUTELSAT 139 West A satellite will operate in a slightly inclined orbit at the nominal 139° W.L. orbital location. It will arrive on-station with an inclination of 0.3°, which is expected to increase at a rate of 0.9° per year. Eutelsat anticipates the satellite's end-of-life to be no earlier than mid-2025, even considering the impact of inclined orbit operations.

### **4. Space Debris Mitigation**

Eutelsat has provided a EUTELSAT 139 West A Space Debris Mitigation Plan as part of this Petition in order to demonstrate compliance with the Commission's orbital debris mitigation and satellite end-of-life requirements.<sup>13</sup> Eutelsat is requesting a waiver of 47 C.F.R. § 25.283(c).

### **C. Petition Processing Issues**

Section 25.137(c) of the Commission's Rules provides that a non-U.S.-licensed GSO-like satellite system seeking to serve the United States "can have its request placed in a queue pursuant to §25.158 and considered before later-filed applications of other U.S. satellite system operators, if the non-U.S.-licensed satellite system: (1) [i]s in orbit and operating; (2) [h]as a license from another administration; or (3) [h]as been submitted for coordination to the International Telecommunication Union."<sup>14</sup> Because the EUTELSAT 139 West A satellite is in orbit, Eutelsat is to be authorized by France to exploit French ITU filings at 139° W.L. orbital location, and French ITU filings that include the relevant bands have been submitted for the nominal 139° W.L. orbital location, Eutelsat understands this Petition will be processed consistent with Section 25.158 of the Commission's Rules.

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<sup>13</sup> See Attachment D, EUTELSAT 139 West A Space Debris Mitigation Plan.

<sup>14</sup> See 47 C.F.R. § 25.137(c).

In addition, the International Bureau may grant this application without imposing specific implementation milestones or a bond.<sup>15</sup> Because the EUTELSAT 139 West A satellite is already in-orbit and operating at 7° E.L., major implementation milestones for this satellite have been satisfied and there is no concern about spectrum warehousing. Relocating EUTELSAT 139 West A is routine procedure and can be expected in due course, so there is no need to impose specific milestone or bond requirements. Out of an abundance of caution, however, Eutelsat requests a waiver of these requirements below.

**D. Public Interest Considerations**

EUTELSAT 139 West A is an in-orbit satellite asset currently operated by Eutelsat at 7° E.L. Grant of this Petition will enable Eutelsat to use satellite resources at a new orbital location to serve U.S. consumers and help address growing U.S. demand for aeronautical mobility services and other FSS services, thereby strongly serving the public interest.

**E. Waiver Requests**

Eutelsat requests waivers of certain Commission rules in the context of this Petition. The Commission has authority to grant waivers of its rules for “good cause shown.”<sup>16</sup> In general, good cause exists if grant of a waiver would not undermine the purposes of the rule and would otherwise serve the public interest.<sup>17</sup> As discussed below, compelling reasons exist to grant the requested waivers in connection with Eutelsat’s Petition to access the U.S. market and add EUTELSAT 139 West A to the Permitted List.

**1. Waiver of Section 2.106 To Permit Downlink Operations in the 12.5-12.75 GHz Band**

Good cause exists to waive Section 2.106 for EUTELSAT 139 West A operations in the 12.5-12.75 GHz frequency band. Under the U.S. Table of Frequency Allocations, the

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<sup>15</sup> See 47 C.F.R. §§ 25.164, 25.165.

<sup>16</sup> See 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

<sup>17</sup> *WAIT Radio*, 418 F.2d at 1157; *Intelsat North America LLC*, 22 FCC Rcd. 11989 ¶6 (2007).



12.5-12.7 GHz band has a primary allocation for BSS and FS in the United States, and additional primary allocations for certain terrestrial services elsewhere in Region 2. The 12.7-12.75 GHz downlink band is allocated to FS, mobile services (except aeronautical mobile), and FSS (uplinks) in Region 2.

Grant of a waiver to utilize the 12.5-12.75 GHz downlink band for Ku-band operations would be consistent with Commission policy and precedent, serving the public interest by enabling communications with terminals that do not interfere with or require any protection from other authorized operations in the U.S. market. Eutelsat has carefully examined the potential impact of its proposed FSS downlinks in the 12.5-12.7 GHz band on BSS operations. Because EUTELSAT 139 West A satellite is located more than 10° away from the closest BSS satellite serving the U.S. market<sup>18</sup> and the satellite operates at downlink PFDs that are no greater than those permitted for FSS services in Regions 1 and 3,<sup>19</sup> no interference is possible in the 12.5-12.7 GHz band segment.<sup>20</sup> There is also little potential for interference with non-geostationary satellite orbit (“NGSO”) FSS systems that may operate in the 12.5-12.7 GHz band,<sup>21</sup> and PFD compliance will protect terrestrial operations in the 12.7-12.75 GHz band.<sup>22</sup>

Finally, access to additional downlink spectrum for satellite applications will facilitate more service to consumers and helps address issues of traffic asymmetry, where greater

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<sup>18</sup> The closest BSS space station is Ciel-2 located at 128.85° W.L., which is more than 10° from EUTELSAT 139 West A’s proposed location. BSS satellites are typically spaced 9° apart.

<sup>19</sup> In the band 12.5-12.7 GHz, downlink PFD limits for FSS services in Regions 1 and 3 are equal to downlink PFD limits for BSS services in Region 2. *See* ITU RR No. 21.16 and ITU RR Appendix 30, Annex 1, §4.

<sup>20</sup> *See* note 9, *supra*. Although the orbital separation in this circumstance is less than in the recent grants cited herein, there is still no material potential for interference given sufficient orbital separation and the compliant downlink power levels of the EUTELSAT 139 West A satellite.

<sup>21</sup> EUTELSAT 139 West A downlink operations comply with applicable PFD limits, and authorized NGSO systems must similarly comply with PFD limits applicable to their operations. Through mutual compliance with these limits, the operations of EUTELSAT 139 West A and NGSO systems will be compatible in this downlink band.

<sup>22</sup> *See* note 10, *supra*.

satellite downlink capacity is needed to transport traffic to users (versus uplink capacity to transport traffic from users). Thus, use of the 12.5-12.75 GHz band can be authorized on an unprotected, non-interference basis as proposed herein.

## **2. EUTELSAT 139 West A Station-keeping Tolerance**

Commission rule 47 C.F.R. § 25.210(j) requires satellite operators to maintain station-keeping within  $\pm 0.05^\circ$  of their assigned orbital longitude in the east/west direction, unless specifically authorized by the Commission to operate with a different longitudinal tolerance. The Commission has previously allowed an increased station-keeping tolerance based on a finding that doing so would not adversely affect the operations of other spacecraft and would have benefits such as conserving fuel for future operations.<sup>23</sup> For all of the reasons discussed below, Eutelsat requests a limited waiver of 47 C.F.R. § 25.210(j).

Eutelsat operates EUTELSAT 139 West A with an increased station-keeping volume of  $\pm 0.10^\circ$ . Operating with this station-keeping tolerance will have no adverse impact on other operators because the volume will not overlap with that of any other satellites. Furthermore, a station-keeping tolerance of  $\pm .10^\circ$  affords Eutelsat additional operational flexibility and conserves fuel to extend the on-orbit lifetime of this valuable satellite asset. Thus, permitting a larger station-keeping tolerance under Section 25.210(j) will serve the public interest.

Eutelsat notes that the Commission has repeatedly granted authority to operate with a  $\pm .10^\circ$  station-keeping tolerance, subject to the condition that authority to operate with the larger tolerance shall terminate in the event that another satellite is launched into a location such that its station-keeping volume would overlap the satellite's  $\pm 0.10$  degree station-keeping volume, but would not overlap a  $\pm 0.05^\circ$  degree station-keeping volume, unless the satellite operator has successfully coordinated its physical operations with those of the other

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<sup>23</sup> See, e.g., SES Americom, Inc. Application for Modification of Satcom SN-4 Fixed Satellite Space Station License, 20 FCC Rcd 11542, 11545 (Sat. Div. 2005).

spacecraft.<sup>24</sup> Eutelsat proposes to operate at the 139.2°W.L. orbital location because the AMC-8 and AMC-18 satellites are located at 139°W.L. These satellites are currently authorized to operate with a station-keeping tolerance of +/-0.05°. Authorizing EUTELSAT 139 West A to operate at 139.2°W.L. will ensure there is no overlap of its station-keeping box with those of satellites operating at 139°W.L.

### **3. EUTELSAT 139 West A End-of-Life Venting**

Commission rule 47 C.F.R. § 25.283(c) requires that after the completion of a satellite mission “all stored energy sources on board the satellite are discharged, by venting excess propellant, discharging batteries, relieving pressure vessels, and other appropriate measures.” Eutelsat requests waiver of 47 C.F.R. § 25.283(c) to the extent necessary to grant this Petition.

The EUTELSAT 139 West A satellite is built by Astrium on the widely used Eurostar 3000 spacecraft bus. The E3000 design allows removal of electrical stored energy by discharging the batteries and actuating the batteries bypasses, and allows depletion of chemical stored energy from the chemical propulsion tanks and the plasmic propulsion tank. It does not, however, allow complete depressurization of helium contained in the pressurant tank. Instead, after the launch and early operations phase of the spacecraft’s mission, this tank is sealed off with a small remaining residual pressure using pyrotechnic valves, so as to completely isolate it from the rest of the system. Therefore, as a result of the satellite design, Eutelsat cannot vent all of the pressurant from EUTELSAT 139 West A at end-of-life.

Multiple factors, however, ensure that EUTELSAT 139 West A’s design is consistent with a safe-flight profile and will not pose a risk of creating orbital debris. As explained in the EUTELSAT 139 West A Space Debris Mitigation Plan, the remaining helium in the two

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<sup>24</sup> See, e.g., FCC ISAT List, available at <https://www.fcc.gov/isat-list> (noting multiple waivers for Inmarsat 3F and 4F satellites).

pressurant tanks will be *de minimis*. Only 1.5 kg of helium will remain in the 178 liter tank. Additionally, the isolation of the pressurant tank from other systems and its internal location minimizes the risk of damage to other systems in the case of external impacts.

Eutelsat notes that the Commission has granted a waiver in analogous circumstances, such as for Anik F3, AMAZONAS-3, and Eutelsat 36B.<sup>25</sup> Eutelsat respectfully submits that a similar waiver is justified in this circumstance because EUTELSAT 139 West A's propellant and pressurant tanks operate in a similar manner. Based on the above, a grant of this waiver would be consistent with Commission policy and precedent, will serve the public interest by enabling new U.S. commercial operations at the nominal 139° W.L. orbital location, and will not undermine the purpose of the Commission's rule.

#### **4. Waiver of Milestone and Bond Requirements**

Eutelsat submits that the Commission need not impose milestone or bond requirements in connection with this request to serve the U.S. market using the EUTELSAT 139 West A satellite. Section 25.137(d)(1) of the Commission's Rules provides for milestones and Section 25.137(d)(4) of the Commission's Rules provides for a bond to be posted where a non-U.S. licensed satellite operator files a petition for declaratory ruling to access the U.S. market for non-U.S.-licensed space station that is not in orbit and operating.

Although EUTELSAT 139 West A is currently in-orbit, it is not operating at the nominal 139° W.L. orbital location from which it proposes to provide service. As noted herein, Eutelsat plans to relocate the satellite and commence operations by April 2020. To the extent the Commission grants this petition prior to EUTELSAT 139 West A's arrival at its

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<sup>25</sup> See, e.g., Telesat Canada Petition for Partial Waiver of Section 25.283(c), File No. SAT-APL-20111117-00222, Call Sign S2703 (granted April 11, 2012); Hispamar Satélites, S.A. Petition for Declaratory Ruling to Add Amazonas-3 Satellite to the Permitted Space Station List, File No. SAT-PPL-20121018-00183, Call Sign S2886 (Granted March 14, 2013) (granting Permitted List status to Amazonas-3, which will retain a *de minimis* quantity of helium pressurant at end of life); Boeing Application Supplement and Request for Waiver, Eutelsat 36B Space Debris Mitigation Plan at 6, File No. SES-LIC-20140922-00748, Call Sign E140097 (granted March 13, 2015).

proposed location, Eutelsat requests an appropriate waiver or other confirmation that no milestone or bond requirement will be imposed. If the Commission determines that the milestone and/or bond requirement applies and a waiver is not warranted, however, Eutelsat will comply with such requirements in connection with grant of this Petition.

### **III. CONCLUSION**

Eutelsat seeks to access the U.S. market and add the in-orbit EUTELSAT 139 West A satellite to the Permitted List for bands that are eligible for such authority. EUTELSAT 139 West A will commence operations at 139.2° W.L. by April 1, 2020 using Ku-band frequencies for which France holds ITU date priority at the nominal 139° W.L. orbital location. Eutelsat requests grant of this Petition to permit the introduction of service upon the satellite's arrival at its new location.

Authorizing EUTELSAT 139 West A to provide service to U.S. customers will serve the public interest by enhancing competition in the United States, making efficient use of in-orbit satellite assets and meeting growing U.S. demand for aeronautical mobility and other FSS services. For all of these reasons, Eutelsat respectfully requests that the EUTELSAT 139 West A satellite be permitted to access the U.S. market and be added to the Permitted List in relevant Ku-band frequencies at the nominal 139° W.L. orbital location.

## Attachment A

### **FCC Form 312, Response to Questions 34 and 40: Foreign Ownership, Officers, Directors, and Ten Percent or Greater Shareholders of Eutelsat S.A.**

Eutelsat S.A. is a *société anonyme* organized under the laws of France and incorporated under number 422 551 176 RCS Paris. The address of Eutelsat S.A. is 70 rue Balard, 75015 Paris, France. An organizational chart showing the ownership of Eutelsat S.A. is attached.

96.37% of Eutelsat S.A.'s share capital is held by Eutelsat Communications S.A., the publicly traded parent of Eutelsat S.A. In addition, the Russian Satellite Communications Company ("RSCC") holds 3.38% of the shares issued by Eutelsat S.A. and 0.25% of the shares of Eutelsat S.A. are held by other non-Eutelsat entities as set out on the ownership chart attached hereto. RSCC and these other entities have no control over Eutelsat S.A. All shareholdings of Eutelsat S.A. (other than the 0.05% of such shares held by Eutelsat S.A.'s employees and executives) are a result of the privatization of Eutelsat S.A., formerly an intergovernmental organization.

19.80% of the share capital of Eutelsat Communications S.A. is held by Bpifrance Participations (formerly named Fonds Stratégique d'Investissement), a *société anonyme* formed in 2008 to enhance equity in France and help stabilize French companies during the economic crisis. Approximately 50% of Bpifrance Participations' share capital is held by the Caisse des Dépôts et Consignations (the "CDC") and approximately 50% of its share capital is held by the French State. Bpifrance Participations must present its strategic plans and annual report to the supervisory commission of the CDC. The Bpifrance Participations' board of directors has ten members. Three of the directors are representatives of the CDC, three of the directors are representatives of the French State and three of the directors are independent directors. The chief executive officer of Bpifrance Participations is appointed by its board of directors. The address of Bpifrance Participations is 27-31, avenue du Général Leclerc, 94710 Maisons-Alfort, Cedex, France.

The CDC is a financial institution wholly owned by the French State and under the supervision of the French Parliament that serves the general interest and the economic development of France. CDC has a mission of long-term investment. Approximately 50% of the CDC's recurring and non-recurring net profit is paid to the French State. The CDC is managed by a chief executive officer, who is appointed by the President of the French State. The CDC is supervised by a supervisory commission of thirteen members, all of which are appointed by various sectors of the French government.

7.50% of the share capital of Eutelsat Communications is held by Fonds Stratégique de Participation (FSP). Backed by six major French insurance companies (BNP PARIBAS CARDIF, CNP ASSURANCES, CREDIT AGRICOLE ASSURANCES, SOGECAP (SOCIETE GENERALE group), GROUPAMA and NATIXIS ASSURANCES), the FSP is a long-term equity investor in French companies. Through FSP, insurance companies and key institutional investors with long-term liabilities channel some of France's long-term savings into equity investments.

6.60% of the share capital of Eutelsat Communications S.A. is held by Land Breeze s.a.r.l. Land Breeze s.a.r.l. is organized under the laws of Luxembourg and is a wholly owned

subsidiary of China Investment Corp. (“CIC”). Two other subsidiaries of CIC organized under the laws of the People's Republic of China, Flourish Investment Corporation and Best Investment Corporation (together with Land Breeze s.a.r.l., the “CIC Entities”), own 0.06% and 0.01% of the shares of Eutelsat Communications, S.A., respectively. Information about CIC can be found on its website: [www.china-inv.cn](http://www.china-inv.cn).

To the best of Eutelsat Communications S.A.’s knowledge, no other shareholders own, directly or indirectly, more than 10% of its share capital or voting rights. Eutelsat Communications S.A. is managed by a board of directors that currently has 12 members, each of whom has a four-year renewable term of office. Currently, eight of the directors are independent, three are affiliated with the Bpifrance Participations. No decisions of the board of directors can be taken or be blocked by three directors. Neither the Bpifrance Participations, nor any of the CIC Entities or FSP, nor any foreign government or person controlled by or acting on behalf of a foreign government has or will have the right or power to appoint any of Eutelsat Communications S.A.’s principal officers. None of the CIC Entities or FSP has the right or power to appoint any of Eutelsat Communications S.A.’s directors.

More information about Eutelsat Communications S.A., its shareholders, and its governance can be found on its website at [www.eutelsat.com](http://www.eutelsat.com).

Principal officers of Eutelsat Communications S.A. include:

Rodolphe Belmer, CEO  
Michel Azibert, Deputy CEO  
Yohann Leroy, Deputy CEO

The individuals listed above can be contacted c/o Eutelsat S.A., 70 rue Balard, 75015 Paris, France. Mr. Belmer, Mr. Azibert and Mr. Leroy are citizens of the Republic of France.

