

### **RESPONSE TO QUESTION 36: Basic Qualifications**

On February 7, 2008, the International Bureau issued a Declaratory Ruling authorizing the Brazilian-licensed Star One C5 satellite to serve the United States from the 68° W.L. orbital location using both the C- and Ku-bands by adding the satellite to the Permitted List. On July 14, 2008, the Bureau granted a petition for reconsideration of that decision filed by the Andean Community, adding to the Star One C5 Declaratory Ruling a condition that, in the event the Andean Community were to launch their higher priority satellite to 67° W.L. by September 2010, then Star One would be precluded effectively from operating on the Ku-band frequencies at 68° W.L.<sup>1</sup>

On December 5, 2008, Star One S.A. (“Star One”), a predecessor-in-interest to Embratel, filed a modification application with the Bureau seeking to modify the Declaratory Ruling in order to substitute the existing Star One B1 satellite for the proposed Star One C5 satellite.<sup>2</sup> As set forth in that modification application, in light of the lingering uncertainty over the Andean Community’s true intentions and the impact on Star One’s ultimate ability to make use of the Ku-band frequencies at the 68° W.L. orbital location, Star One proposed to only provide service to the United States using the C-band frequencies. To that end, Star One re-deployed the existing C-band Star One B1 satellite to 68° W.L. pursuant to Brazilian authority and requested a modification of the Declaratory Ruling to use the B1 satellite (instead of Star One C5) to provide service to the United States. On October 13, 2010, the Bureau denied Star One’s request to modify the Star One C5 Declaratory Ruling.

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<sup>1</sup> See Star One S.A., *Order on Reconsideration*, DA 08-1645 (rel. July 14, 2008).

<sup>2</sup> See File No. SAT-PPL-20081205-00225 (filed Dec. 5, 2008).