



Federal Communications Commission
Washington, DC 20554

International Bureau

May 22, 2012

Netherlands Radio Communications Agency
Mr. J.G. Kroon
Advisor Space Communications
Emmasingel 1
9726 AH Groningen
The Netherlands

Re: Operations of the NSS-7 satellite at the 20° W.L. orbital location

Dear Mr. Kroon,

This letter is to confirm the informal understanding of the Netherlands Radio Communication Agency (Agentschap Telecom or AT) and the Federal Communications Commission (FCC) concerning the proposed operations of the NSS-7 space station at the 20° W.L. orbital location.

The NSS-7 satellite operates using C-band (3625-4200 MHz downlink and 5850-6425 MHz uplink) and Ku-band (10.95-11.2 GHz/11.45-11.7 GHz/11.7-12.2 GHz/12.5-12.75 GHz downlink and 14-14.5 GHz uplink) frequencies, with Telecommand, Telemetry and Control (TT&C) for the satellite bus in the Ku-band frequencies. There is also a tracking beacon in the C-band frequencies for customers in that band to calibrate their transmissions and adjust antenna pointing.

New Skies Satellites B.V. (New Skies) is authorized by the AT to operate the C-band frequencies, a portion of the Ku-band downlink frequencies (11.95-12.2 GHz), and the Ku-band TT&C frequencies on the NSS-7 satellite at 20° W.L. New Skies plans to provide commercial communications services within the service area of the NSS-7 space station. New Skies will control the NSS-7 spacecraft using primary TT&C earth station facilities located in the United Kingdom, with backup earth station facilities located in the U.S. New Skies will also have remote control capability from its headquarters in The Hague that will, if required by the Dutch Administration, enable satellite operations to be controlled from the territory of The Netherlands.

Intelsat License LLC (Intelsat) has filed an application with the FCC for authority to operate the Ku-band frequencies on NSS-7 at 20° W.L. (not including the 11.95-12.2 GHz downlink band or the Ku-band TT&C frequencies) under an FCC license. Intelsat and New Skies have agreed that Intelsat will operate these Ku-band frequencies on the NSS-7 satellite at 20° W.L. pursuant to such license.

Pursuant to an agreement between Intelsat (through its affiliate, Intelsat Global Sales & Marketing, Ltd.) and New Skies, Intelsat will maintain control over the operation of these Ku-band frequencies and thus have the sole right to direct New Skies to promptly deactivate the Ku-band frequencies licensed by the FCC in order to comply with U.S. laws and regulations. New Skies will maintain control of the C-band frequencies, the extended Ku-band frequencies of 11.95-12.2 GHz, the Ku-band TT&C frequencies, and the satellite bus. The agreement is limited to operations at the 20° W.L. orbital location.

Informal Understandings Between AT and the FCC Concerning Operation of New Skies' NSS-7 Satellite

It is my understanding that our agencies have concurred on the following technical issues concerning the operation of the NSS-7 satellite:

1. For purpose of Regulation 18.1 of the International Telecommunication Union (ITU) Radio Regulations, the FCC is the licensing administration for the Ku-band frequencies on NSS-7 at 20° W.L. (not including the 11.95-12.2 GHz band or the Ku-band TT&C frequencies), and the AT is the licensing administration for the C-band frequencies, the 11.95-12.2 GHz band, and the Ku-band TT&C frequencies of the NSS-7 satellite while it operates at the 20° W.L. orbital location.
2. Operation of the NSS-7 satellite in the C-band and Ku-band at any location other than 20° W.L. will be subject solely to the licensing authority of the AT, including any operations as a result of the equipment failure in that satellite that results in the inability to maintain the satellite within +/- 0.05° of its assigned position at the 20° W.L. orbital location.
3. AT will consult with the FCC, if practicable, prior to any relocation of the satellite, or as soon thereafter as possible. Additionally, AT and the FCC will consult with each other prior to any transfer of their respective licensing authority regarding the NSS-7 satellite to a third administration.
4. New Skies, under the authority issued by AT, will maintain control over the physical operations of the NSS-7 satellite using authorized TT&C earth station facilities located in the United Kingdom or the U.S., which will also be operable from The Netherlands. The U.S. licensee will retain the unilateral right to direct New Skies to cease operations of the NSS-7 Ku-band frequencies that are licensed by the FCC, without the need for consultation with or approval from AT, in order to comply with any U.S. statute or FCC rule, regulation, or order, including but not limited to any direction by the U.S. President under Section 706(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 606(c), and New Skies will be required to comply with any such direction. The FCC will inform AT, at the earliest practicable time, of any such a directive.
5. New Skies' license under the Space Activities Act of the Netherlands requires New Skies to ensure (among other things) that, at the end of a space object's life span, adequate fuel supply is onboard to transport the space object to a de-commissioning orbit or de-commissioning zone, sufficiently above the geostationary orbit that it will not re-enter the region below around 200 kilometers higher than geostationary orbit (or approximately 35,986 kilometers).

The FCC has not presently issued any permanent authorizations for operations of the Ku-band frequencies on the NSS-7 satellite at the 20° W.L. orbital location. Intelsat's application for such authority is pending and will require separate action by the FCC. This exchange of letters does not constitute approval of that application. If no such authorization is issued, the understandings in this letter will expire.

The informal understandings set forth in this letter concerning operation of the NSS-7 satellite do not constitute a concurrence by either AT and the Dutch Administration or the FCC and the U.S. Administration to any filings with the ITU. I have every confidence that the two Administrations will, separately, and as part of the any agreement-seeking processes applicable under the ITU Radio Regulations, continue to work cooperatively and in good faith.

Lastly, all notices, inquiries, and correspondences from AT concerning these matters should be directed to the Chief, Satellite Division, International Bureau (phone number 202-418-2341) (email Robert.Nelson@fcc.gov, with a copy to Karl.Kensinger@fcc.gov), on the part of the FCC. The FCC will forward all notices, inquiries, and correspondences concerning these matters to the Mr. J.G. Kroon (phone number +31 50 5877 344) and e-mail johan.kroon@agentschapelecom.nl), on the part of AT. Please let us know if this address subsequently changes.

If the foregoing corresponds to your understanding of the informal arrangements between our two agencies concerning the various issues involved in the proposed operation of the NSS-7 satellite at the 20° W.L. orbital location, please confirm by return letter. Thank you.

Sincerely,



Robert G. Nelson
Chief
Satellite Division

cc: Ms. Susan Crandall
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