



Federal Communications Commission
Washington, DC 20554

International Bureau

May 31, 2002

Joseph A. Godles, Esquire
Goldberg, Godles, Wiener & Wright
1229 19 Street, N.W.
Washington, D.C. 20036

Re: Request for Special Temporary Authority to Make Commercial Use of Signals Received by PanAmSat's Napa Valley Teleport (SAT-STA-20020404-00046)

Dear Mr. Godles:

This is in response to your requests on behalf of PanAmSat Licensee Corp. (PanAmSat) to: (1) renew PanAmSat's special temporary authority (STA) for PAS-5¹; and (2) to modify the PAS-5 STA, or in the alternative to receive a new STA, for the purpose of expanding the scope of the STA's² PanAmSat's current STA permits it to use the downlink portion of PAS-S's Australia beam to provide coverage, at an extremely low equivalent isotropically radiated power (e.i.r.p.), of Hawaii and limited portions of the west coast of the United States.³ At present, PanAmSat's use of the downlink beam in the United States is limited to reception at a single earth station in its Napa Valley, California teleport, for the purpose of monitoring the performance of its satellite. With the above-captioned request, PanAmSat also proposes to make commercial use of the signals received by the Napa Valley earth station."

The downlink portion of the Australia beam operates in the 12.25-12.75 GHz band, which is allocated on-a primary basis to the Fixed-Satellite Service (FSS) in Australia and the rest of International Telecommunications Union (ITU) Region 3. In the United States and elsewhere in ITU Region 2, this band is allocated on a primary basis to the Broadcast-Satellite Service (BSS), except for the 12.7-12.75 GHz portion of the band, which is allocated in ITU Region 2 to the FSS (in the earth-to-space direction) and to the fixed and mobile services. Taking into account this allocation plan, we among other things, conditioned the PAS-5 STA on PanAmSat not causing harmful interference to authorized users operating in accordance with the U.S. Table of Frequency Allocations. and on it accepting interference from these

¹ See SAT-STA-20010302-000 15.

² See SAT-STA-20020404-00046.

³ See Letter from Thomas S. Tycz, to Joseph A. Godles, Attorney for PanAmSat (SAT-STA-2000323-00076), dated September 6, 2002 ("PAS-5 STA").

⁴ PanAmSat has amended a pending modification application for PAS-5 in order to request the same commercial authority on a permanent-licensed basis. See File Nos. SAT-MOD-19980928-00078 and SAT-AMD-20020326-00055.

authorized users.⁵ In the event it causes harmful interference, PanAmSat is required to cease operations immediately.⁶

In support of its pending STA request, PanAmSat states that making commercial use of the signal it is currently downlinking for monitoring purposes in Napa will not affect the technical characteristics of the Australia beam or its impact on BSS or terrestrial users in the limited portions of the United States included within the beam. Further, PanAmSat states that granting commercial service authority will enable it to improve service to the public and make more efficient use of the spectrum. PanAmSat also notes that its request is consistent with Commission precedent given that the Commission previously authorized Loral to operate in the 12.25-12.75 GHz band under similar circumstances.⁷ Finally, PanAmSat notes that it needs to downlink the Australia beam in Napa in connection with coverage of the World Cup games that are about to commence in Korea and Japan.⁸ The games will begin on May 31, 2002 and conclude on June 30, 2002.

We find that grant of this STA will serve the public interest. Grant of commercial authority on a temporary basis, for the duration of the World Cup games, will enable PanAmSat to improve service to the public, adding connectivity between Australia and the United States that PanAmSat cannot offer at present. Under similar circumstances, we granted PanAmSat authority to make commercial use of the Australia beam for coverage of the 2000 Olympics in Australia.⁹

We also find that no additional risk of harmful interference is presented by PanAmSat's proposal to add commercial authority. Use of these signals for commercial purposes will not affect the technical characteristics of PanAmSat's current signal. We already have found, moreover, that PanAmSat's Australia beam transmissions will not interfere with other authorized services. With respect to BSS operations, the Region 2 BSS Plan, set forth in Appendix 30 of the ITU's radio regulations, is fashioned so that satellites using the same bands with the same coverage area should be separated by at least nine degrees in orbit to avoid interference. PAS-5 is separated from the nearest BSS assignment in the Region 2 BSS Plan by 18.8°, ¹⁰ more than twice this minimum separation. Similarly, we previously found that PanAmSat's use of the 12.7-12.75 GHz frequency band in the space-to-earth direction presents no risk of harmful interference to terrestrial services.¹¹

Considering the downlink signal currently exists without complaints of interference problems, we conclude that granting PanAmSat the commercial authority it has requested for a limited period of time, would not harm other users of the spectrum and would serve the public interest in this case.

⁵ See PAS-5 STA at 3.

⁶ *Id.*

⁷ See *Loral Orion Services, Inc.*, 14 FCC Rcd 4636 (1999).

⁸ Letter from Joseph Godles, Attorney for PanAmSat Licensee Corp., to Marlene H. Dortch, Secretary, FCC (dated May 23, 2002).

⁹ See Letter from Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, FCC, to Joseph A. Godles, Attorney for PanAmSat (SAT-STA-20000324-00074, September 6, 2000).

¹⁰ See PAS-5 STA at 2-3. The nearest Region 2 BSS satellite assignment to PAS-5's 166" E.L. orbital location is at 184.8" E.L. (175.2" W.L.).

¹¹ See PAS-5 STA at 3.

Accordingly, pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. §0.261, we grant PanAmSat special temporary authority (SAT-STA-20020404-00046) until **July 1, 2002** to make commercial use of PAS V's Australia beam that is downlinked at its Napa Valley Teleport, in addition to its use of the beam for monitoring purposes. This grant is subject to the following conditions:

- 1) PanAmSat's use of the 12.2-12.7 GHz band in ITU Region 2 and its coverage, at extremely low e.i.r.p.s of Hawaii and the west coast of the United States, shall be limited to monitoring and commercial use of the downlink portion of the Australia beam at a single earth station in Napa, California;
- 2) PanAmSat shall not cause any harmful interference to authorized users operating in accordance with the U.S. Table of Frequency Allocations and shall accept any interference from authorized users;
- 3) In the event of harmful interference resulting from PanAmSat's use of the 12.25-12.75 GHz band in Region 2, PanAmSat shall immediately cease these operations in that band;
- 4) In accordance with the Table of Frequency Allocations Footnote NG53, PanAmSat shall not cause harmful interference nor claim protection from television pickup stations and CARS pickup stations in connection with its use of the 12.7-12.75 GHz frequency band;
- 5) PanAmSat Licensee Corp's use of the 12.7-12.75 GHz band is on a non-harmful interference basis. PanAmSat must accept and not cause interference to existing CARS band users. If PanAmSat precludes the establishment of a new CARS link due to interference from or to PanAmSat's downlink in the 12.7-12.75 GHz band, PanAmSat would be required to vacate the band.
- 6) Before operating in the 12.7-12.75 GHz band in the space-to-earth direction, PanAmSat shall coordinate with any potentially affected terrestrial users; and
- 7) This authorization is without prejudice to any action the Commission may take on PanAmSat's underlying modification application, as amended (SAT-MOD-19980928-00078; SAT-AMD-20020326-00055), to modify the technical parameters of the PAS-5 satellite.

Sincerely,



Fern J. Jarmulnek
Deputy Chief
Satellite Division