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Federal Communications Commission  
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Federal Communications Commission  
Office of Secretary

File No. SAT-STA-20041012-00198

Received

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Policy Branch  
International Bureau

In the Matter of Application of:

**SES AMERICOM, INC.**

For Special Temporary Authority To  
Operate AMC-15 at 117° W.L. and 113°  
W.L.

REPLY OF TELESAT CANADA

Telesat Canada ("Telesat"), by its attorneys and pursuant to Section 25.154 of the rules of the Federal Communications Commission ("FCC"),<sup>1</sup> hereby replies to SES Americom, Inc.'s ("SES") and EchoStar Satellite, L.L.C.'s ("EchoStar") comments in the above-captioned proceeding regarding SES's Application for Special Temporary Authority ("Application") to locate and operate AMC-15 at 113° W.L. for two months and at 117° W.L. for two months.<sup>2</sup>

In its Reply Comments, SES reiterates its commitment to coordinate, as needed, with Telesat, the licensed Ka- and Ku-band operator at 111.1° W.L. and 118.7° W.L.<sup>3</sup> This commitment, however, does not ensure that SES will coordinate with Telesat, particularly since SES and EchoStar challenge the need to coordinate some of the proposed operations.<sup>4</sup> Moreover, SES's commitment does not satisfy the requirement in the 1988 Trilateral

<sup>1</sup> 47 C.F.R. § 25.154.

<sup>2</sup> SES Americom, Inc., *Application of SES Americom, Inc. For Special Temporary Authority To Operate AMC-15 at 117° W.L. and 113° W.L.*, File No. SAT-STA-20041012-00198 (filed Oct. 12, 2004); SES Americom, Inc., *Reply Comments and Opposition of SES Americom, Inc.*, File No. SAT-STA-20041012-00198 (filed Dec. 2, 2004) ("SES Reply Comments"); EchoStar Satellite L.L.C., *Reply Comments and Opposition of EchoStar Satellite L.L.C.*, File No. SAT-STA-20041012-00198 (filed Dec. 1, 2004) ("EchoStar Reply Comments").

<sup>3</sup> SES Reply Comments at 3; *see also* EchoStar Reply Comments at 4.

<sup>4</sup> SES Reply Comments at 3-5; EchoStar Reply Comments at 4.

Arrangement that the United States consult the Mexican and Canadian administrations before authorizing the proposed Ku-band TT&C operations.<sup>5</sup> Therefore, irrespective of SES's commitment, Telesat requests that the FCC: (1) defer action on SES's Application until it has consulted with the Mexican and Canadian administrations regarding the proposed Ku-band operations; and (2) condition the requested STA on SES coordinating its Ka- and Ku-band operations at 113° W.L. and 117° W.L. with Telesat.

**I. THE 1988 TRILATERAL ARRANGEMENT REQUIRES CONSULTATION WITH CANADA AND MEXICO PRIOR TO FCC AUTHORIZATION OF THE PROPOSED KU-BAND TT&C OPERATIONS**

SES claims that the 1988 Trilateral Arrangement was not "intended to prohibit the use of Ku-band frequencies for TT&C purposes in circumstances where the TT&C operations would not preclude the use of the orbital arc by other parties for the provision of Ku-band services."<sup>6</sup> SES's interpretation lacks foundation.

SES's requested Ku-band TT&C authority is subject to the 1988 Trilateral Arrangement. Because the proposed Ku-band TT&C operations at 113° W.L. and 117° W.L. lie in a portion of the arc covered by the Arrangement and would be at orbital positions not listed as USA positions, such operations would not conform to the Arrangement. Indeed, Article 1 of the Arrangement states that it applies to "geostationary satellite networks on the Fixed Satellite Service ... operating in the frequency bands ... 11.7-12.2 GHz and 14.0-14.5 GHz."<sup>7</sup> There is no exclusion of TT&C usage within the Arrangement. While exceptions to the 1988 Trilateral

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<sup>5</sup> Under the terms of the 1988 Trilateral Arrangement, U.S. satellites may not operate in the conventional C- or Ku- frequencies in the arc of 105° W.L. to 121° W.L. *See Trilateral Arrangement Regarding Use of the Geostationary Orbit Reached by Canada, Mexico, and the United States*, Public Notice (Sept. 2, 1988) ("1988 Trilateral Arrangement" or "Arrangement"), available at <http://www.fcc.gov/ib/sand/agree/files/satellite/trilat.pdf>.

<sup>6</sup> SES Reply Comments at 4.

<sup>7</sup> *See* Arrangement at Art. 1.

Arrangement may be made after “consultation and with the agreement of” Canada and Mexico,<sup>8</sup> to the best of Telesat’s knowledge, no such consultations have occurred.

**II. THE FCC SHOULD CONDITION THE REQUESTED STA ON SES COORDINATING ITS PROPOSED OPERATIONS WITH TELESAT**

Although SES commits to coordinate as needed with Telesat, SES and EchoStar incorrectly claim that SES need not coordinate its proposed operations at 117° W.L. with Telesat. They note that Telesat does not currently operate in the Ka-band at 118.7° W.L. and SES’s proposed Ku-band operations would not overlap with Telesat.<sup>9</sup> Given that Canada holds ITU priority at 118.7° W.L. and Telesat is the authorized operator at that location, SES must coordinate its proposed operations at 117° W.L. with Telesat. This obligation applies no matter how temporary SES’s operations may be.<sup>10</sup>

SES also argues that the FCC need not condition its proposed authority at 113° W.L. on coordination with Telesat because, from a technical standpoint, coordination is “feasible”.<sup>11</sup> The fact that coordination is possible, however, neither removes SES’s obligation to coordinate with Telesat nor ensures that SES will do so.

In short, SES commits to coordinating its proposed operations as needed with Telesat, but challenges the need to coordinate certain operations. Given these challenges and because SES is required to coordinate the proposed Ka- and Ku-band operations at 113° W.L. and 117° W.L.

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<sup>8</sup> See *id.* at Art. 4.

<sup>9</sup> SES Reply Comments at 3, 4; EchoStar Reply Comments at 4.

<sup>10</sup> Given the uncertainty regarding the timing of SES’s proposed operations at 117° W.L. and the possibility, though not contemplated by either party at this time, that SES may seek to extend the temporary location of AMC-15 at 117° W.L. or that Telesat’s plans for Ka-band operation at 118.7° W.L. may be accelerated, any grant of STA should make clear that SES is obligated to coordinate with any Telesat Ka-band satellite that may be operating at 118.7° W.L. while AMC-15 is operating at 117° W.L.

<sup>11</sup> SES Reply Comments at 3, 5.

with Telesat, the FCC should condition the requested authority on successful completion of such coordination.

**III. CONCLUSION**

Based on the foregoing, Telesat requests that the FCC: (1) defer action on SES's Application until it has consulted with the Mexican and Canadian administrations regarding the proposed Ku-band operations; and (2) condition the requested STA on SES coordinating its Ka- and Ku-band operations at 113° W.L. and 117° W.L. with Telesat.

Respectfully submitted,

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CERTIFICATE OF SERVICE

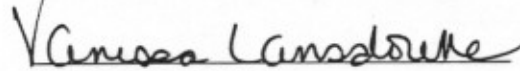
I, Vanessa Lansdowne, do hereby certify that a true and correct copy of the foregoing Reply of Telesat Canada was sent by first-class mail, postage prepaid, this 9th day of December 2004, to the following:

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