

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of Application of:

SES AMERICOM, INC.

For Special Temporary Authority To
Relocate AMC-15 to 117° W.L.

Federal Communications Commission
Office of Secretary

File No. SAT-STA-20041130-00214

Received
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Policy Branch
International Bureau

COMMENTS OF TELESAT CANADA

Telesat Canada ("Telesat"), by its attorneys, hereby comments on SES Americom, Inc.'s ("SES") November 30, 2004 Application for Special Temporary Authorization ("Application") in the above-captioned proceeding.¹ SES's Application seeks special temporary authorization ("STA") to locate and operate the Ku-band TT&C frequencies of its AMC-15 satellite at the 117° W.L. orbital location for thirty days.² Telesat, the authorized Ku-band satellite operator at the 118.7° W.L. orbital location,³ reminds the Federal Communications Commission

¹ SES Americom, Inc., *Application of SES Americom, Inc. For Special Temporary Authority To Relocate AMC-15 to 117° W.L.*, File No. SAT-STA-20041130-00214 (filed Nov. 30, 2004).

² In a separate proceeding, SES seeks STA to relocate and operate the Ka-band payload and Ku-band TT&C frequencies of AMC-15 at 113° W.L. for two months and at 117° W.L. for two months. 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). Grant of present Application, which requests narrower operational authority, should have no bearing on the outcome of that proceeding.

³ Telesat is licensed by Industry Canada to operate the Ku-band payload on the Anik E2 satellite at 118.7° W.L. See Industry Canada, *Authorized Canadian Satellites*, at <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf05343e.html> (updated Sept. 23, 2004). In addition, the FCC has approved Telesat to serve the United States using the Ku-band payload of Anik E2. FCC, *Permitted Space Station List*, at <http://www.fcc.gov/ib/sd/se/permitted.html> (updated Nov. 4, 2004). Moreover, Telesat is authorized by Industry Canada to operate Anik F3, a future Ku- and Ka-band Fixed Satellite Service ("FSS") satellite, from the 118.7° W.L. orbital location. In June 2001, Telesat received an "Approval in Principle" from Industry Canada authorizing Telesat to operate Anik F3 from the 118.7° W.L. orbital location. See Industry Canada, *Approvals in Principle*, at <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01879e.html#ApprovalsinPrinciple> (last visited Dec. 3, 2004). Pursuant to Industry Canada's licensing procedures, Telesat will receive a *pro forma* license for Anik F3 coincident with launch. Telesat plans to launch Anik F3 in mid-2006.

("Commission") that SES's requested Ku-band TT&C operations at 117° W.L. lie in a portion of the arc subject to the 1988 Trilateral Arrangement between the United States, Canada, and Mexico.⁴ SES's proposed authority would be at an orbital position not listed as a USA position and therefore would not conform to the 1988 Trilateral Arrangement. The Ku-band authority requested, although it relates solely to TT&C frequencies, is subject to the terms of the Arrangement. Exceptions to the 1988 Trilateral Arrangement may be made only after "consultation and with the agreement of" Canada and Mexico.⁵ To the best of Telesat's knowledge, no such consultations have occurred.

Telesat further advises the Commission that SES has coordinated its proposed Ku-band operations at 117° W.L. with Telesat. As a result, Telesat has no technical objections to SES's requested temporary Ku-band TT&C operations at 117° W.L., and the Commission may bring forward this fact in its consultations with Canada and Mexico.

Respectfully submitted,

TELESAT CANADA

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December 6, 2004

⁴ 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>.

⁵ See *id.* at Art. 4.

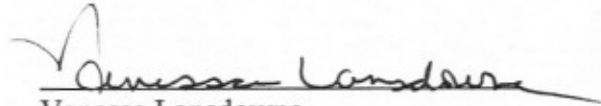
CERTIFICATE OF SERVICE

I, Vanessa Lansdowne, do hereby certify that a true and correct copy of the foregoing Comments of Telesat Canada was sent by first-class mail, postage prepaid, this 6th day of December 2004, to the following:

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