

SAT-STA-20050325-00076
with attached conditions
K549 Part Date 4/6/2005

Approved by OMB

4/6/2005 6/5/2005 3060-0678

Robert G. Nelson Chief Satellite
Engineering Branch

Date & Time Filed: Mar 25 2005 5:36:27:200PM
File Number: SAT-STA-20050325-00076
Callsign:

FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY

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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

SN-4 STA Request 3/2005

1. Applicant

Name:	SES Americom, Inc.	Phone Number:	609-987-4000 x4187
DBA Name:		Fax Number:	609-987-4233
Street:	4 Research Way	E-Mail:	nancy.eskenazi@ses-amicom.com
City:	Princeton	State:	NJ
Country:	USA	Zipcode:	08540 -
Attention:	Ms. Nancy J. Eskenazi		

Attachment
Conditions of Authorization – SAT-STA-20050325-00076
Call Sign KS49
April 7, 2005

1. SES Americom, Inc.'s (SES Americom's) application, File No. SAT-STA-20050325-00076, for Special Temporary Authority IS GRANTED and SES Americom is authorized for a period of 60 days commencing on April 6, 2005¹ to change the coverage area of the SN-4 spacecraft, Call Sign KS49, by repointing the satellite northward, in accordance with the terms, conditions, and technical specifications set forth in its application, this Attachment and the Federal Communications Commission's Rules.
2. No harmful interference shall be caused by SN-4 satellite to any other lawfully operating in-orbit satellite and operations of the SN-4 satellite shall cease immediately upon notification of such interference.
3. SES Americom is required to accept interference into SN-4 from other lawfully operating in-orbit satellites.
4. This special temporary authority is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.

¹ Authorization was initially granted verbally by Roderick Porter, Deputy Bureau Chief, International Bureau on April 6, 2005.

2. Contact			
Name:	Karis A. Hastings	Phone Number:	202-637-5767
Company:	Hogan & Hartson L.L.P.	Fax Number:	202-637-5910
Street:	555 Thirteenth Street, NW	E-Mail:	KAHastings@HHLaw.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20004 -1109
Contact Title:		Relationship:	Legal Counsel
(If your application is related to an application filed with the Commission, enter the file number below.)			
3. Reference File Number			
4a. Is a fee submitted with this application?			
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).			
<input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee			
<input type="radio"/> Other (please explain):			
4b. Fee Classification CRY – Space Station (Geostationary)			
5. Type Request			
<input type="radio"/> Change Station Location <input type="radio"/> Extend Expiration Date <input checked="" type="radio"/> Other			
6. Temporary Orbit Location		7. Requested Extended Expiration Date	

8. Description (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

See Att. 1

9. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes. Yes No

10. Name of Person Signing
Nancy J. Eskenazi

11. Title of Person Signing
Vice President & Associate General Counsel

12. Please supply any need attachments.

Attachment 1: Att. 1

Attachment 2:

Attachment 3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of Application by)
SES AMERICOM, INC.) File No. SAT-STA-_____
For Special Temporary Authority to)
Repoint Satcom SN-4 and Use Satcom SN-4)
For Service Over Water Areas of ITU Region 1)

EXPEDITED ACTION REQUESTED

APPLICATION OF SES AMERICOM, INC.

SES Americom, Inc. ("SES Americom") hereby respectfully requests special temporary authority for a period of sixty days to (1) change the coverage area of Satcom SN-4 by repointing the satellite northward and (2) provide Ku-band service using Satcom SN-4 over water areas of International Telecommunication Union ("ITU") Region 1 on a non-harmful interference basis. SES Americom seeks this authority pending action on its previously-filed request for modification of the Satcom SN-4 license to authorize these changes in the operation of Satcom SN-4.¹ Grant of the instant application will serve the public interest by facilitating the initiation of new services and will not adversely affect any other party. SES

¹ See File No. SAT-MOD-20050325-00075 (the "SN-4 Modification Application"). The SN-4 Modification Application also seeks authority to increase the East/West stationkeeping tolerance of the spacecraft and to perform deorbit maneuvers at the end of the spacecraft's life, but SES Americom does not seek special temporary authority for those elements of the modification filing.

Americom seeks expedited action on this application because SES Americom's customer needs to commence testing of services using Satcom SN-4 on April 1.

Satcom SN-4 is a C/Ku-band satellite that is licensed to operate at the 172° E.L. orbital position.² Satcom SN-4 will be replaced at that location by AMC-23, which is scheduled to be launched late this year. SES Americom has been asked by its customer, the Boeing Company ("Boeing"), to seek authority for certain changes in the operation of Satcom SN-4 to permit the spacecraft to be used for the Connexion by Boeing service offering pending launch of AMC-23.

Specifically, Boeing intends to use Ku-band capacity on Satcom SN-4 to provide aeronautical mobile satellite service in the Pacific Ocean Region on an interim basis. In order to provide coverage in the area where Boeing requires service, Satcom SN-4 will need to be reoriented northward, resulting in a shift of the satellite's service contours. The coverage area over which Boeing will be providing service includes water areas of ITU Region 1, so SES Americom seeks authority to serve this portion of Region 1 on a non-harmful interference basis.

Initially, Boeing will be using Satcom SN-4 capacity to offer service to foreign-registered aircraft. This service is scheduled to begin April 15, and testing prior to commencement of service needs to occur beginning April 1. SES Americom seeks expedited action on the instant application to accommodate this schedule.

² *SES Americom, Inc.*, DA 04-1581 (Sat. Div. rel. May 27, 2004).

Grant of the requested authority will not adversely affect any other operators. The SN-4 Modification Application provides full technical support for the proposed changes. In particular, it demonstrates that the repointing of the spacecraft will not materially change the interference environment for adjacent spacecraft. SES Americom has already completed coordination of the proposed changes with one of the adjacent operators and has initiated coordination discussions with the other operator. The technical appendix also includes an analysis showing that Satcom SN-4 complies with the power flux density limits applicable under ITU requirements.

SES Americom hereby certifies that no party to this application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862. SES Americom waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.

SES Americom seeks temporary authority for these changes in the operation of Satcom SN-4 pursuant to the following conditions:

(a) No harmful interference will be caused to any lawfully operating satellite network or radio communication system and SES Americom operations will cease immediately upon notification of harmful interference. Further, SES Americom shall notify the Commission in writing that it has received such a notification within 14 days of receipt.

(b) SES Americom will accept interference from any lawfully operating satellite network or radio communication system.

(c) Any action taken or expense incurred as a result of operations pursuant to this special authority is solely at SES Americom's own risk.

(d) The authorization is subject to change in any of its terms or cancellation in its entirety at any time upon reasonable notice, but without hearing, if in the opinion of the Commission circumstances require.

(e) The authorization is without prejudice to any action the Commission might take on SES Americom's pending application for modification of the Satcom SN-4 license, File No. SAT-MOD-20050325-00075.

For the foregoing reasons, SES Americom seeks authority for a period of sixty days to repoint Satcom SN-4 toward the north and to provide service using Satcom SN-4 over water areas of Region 1 on a non-harmful interference basis. SES Americom requests expedited action on this application.

Respectfully submitted,

SES Americom, Inc.

By: /s/ Nancy J. Eskenazi

Nancy J. Eskenazi
Vice President and
Associate General Counsel
SES Americom, Inc.
Four Research Way
Princeton, NJ 08540

Of Counsel

Peter A. Rohrbach
Karis A. Hastings
Hogan & Hartson L.L.P.
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Dated: March 25, 2005

STEPTOE & JOHNSON LLP

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April 6, 2005

VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, D.C. 20554

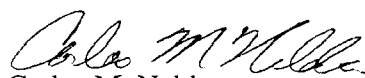
Re: **WRITTEN EX PARTE PRESENTATION**
File No. SAT-STA-20050325-00076
Application of SES Americom, Inc. for Special Temporary Authority
To Repoint Satcom SN-4

Dear Ms. Dortch:

The Boeing Company ("Boeing") submits this letter to further supplement the record in the above-captioned application proceeding. Earlier today representatives of Boeing, SES Americom, Inc. and Intelsat held a teleconference to discuss coordination of the Satcom SN-4 satellite at 172°E and the I-605 satellite at 174°E. Pursuant to these discussions, Intelsat and SES Americom have agreed that the operations of Satcom SN-4 proposed in the application for Special Temporary Authority ("STA") have been coordinated (SES Americom and Intelsat will execute a separate coordination agreement) and that Intelsat does not object to grant of the STA. They also agreed that Boeing should submit this notification to the Commission staff.

Please feel free to contact the undersigned with any questions regarding this submission.

Respectfully submitted,



Carlos M. Nalda
Counsel for The Boeing Company

cc: Nancy J. Eskenazi
Vice President and
Associate General Counsel
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April 6, 2005

VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, D.C. 20554

Re: **WRITTEN EX PARTE PRESENTATION**
File No. SAT-STA-20050325-00076
Application of SES Americom, Inc. for Special Temporary Authority
To Repoint Satcom SN-4

Dear Ms. Dortch:

The Boeing Company ("Boeing") submits this letter to further supplement the record in the above-captioned application proceeding. On March 25, 2005, SES Americom, Inc. filed an application for Special Temporary Authority ("STA") requesting authority to repoint the Satcom SN-4 satellite and provide Ku-band service over water areas of International Telecommunication Union ("ITU") Region 1.¹ Grant of the STA application will enable SES Americom to provide Boeing with Ku-band satellite capacity for the Connexion by BoeingSM system to provide interim Pacific Ocean region ("I-POR") coverage pending launch of the AMC-23 satellite later this year.

On March 29, 2005, Boeing filed an *ex parte* letter in support of SES Americom's STA application and related modification application.² On March 31, 2005, Boeing submitted additional

¹ See Application of SES Americom, Inc. for Special Temporary Authority to Repoint Satcom SN-4, File No. SAT-STA-20050325-00076 (filed March 25, 2005). SES Americom also filed an accompanying modification application seeking, among other things, permanent authority for operational changes requested in the STA application. See Application of SES Americom, Inc. for Modification of Satcom SN-4 Fixed Satellite Space Station License, File No. SAT-MOD-20050325-00075 (filed March 25, 2005).

² See Letter to Marlene H. Dortch from Carlos M. Nalda, File Nos. SAT-STA-20050325-00076 and SAT-MOD-20050325-00075 (dated March 29, 2005).

information regarding the pressing need for STA authority and the extraordinary circumstances justifying grant of SES Americom's STA application.³ This letter provides further public interest reasons for granting the requested STA.

Section 302(f) of the Communications Act provides the Commission with authority to grant temporary authorizations where such temporary operations are in the public interest and delay in operation would prejudice the public interest.⁴ Section 25.120 of the Commission's Rules governs temporary authority to operate satellite communications facilities such as the Satcom SN-4 satellite.⁵ An STA request must contain the full particulars of the proposed operations, including facts sufficient to justify the temporary authorization sought and the public interest therein.⁶ "Convenience to the applicant, such as marketing considerations or meeting scheduled customer in-service dates, will not be deemed sufficient" for purposes of granting an STA request.⁷

In applying the STA standard in the context of satellite facilities, the Commission has looked to the public interest benefits associated with the proposed service generally and to the specific public benefits of the proposed temporary operations. For example, in granting Satellite Digital Audio Radio Service ("SDARS") licensees temporary authority to operate terrestrial repeaters, the Commission acknowledged the many public interest benefits that SDARS can provide and the need for complementary terrestrial repeaters to help implement the service.⁸ In addition, the Commission granted Iridium temporary authority to operate in additional "Big LEO" MSS spectrum to provide communications services to support U.S. government operations in the Middle East region.⁹

SES Americom has provided the full particulars of its proposed temporary operations in its STA application. In addition to the public interest information already in the record, Boeing would highlight

³ See Letter to Marlene H. Dortch from Carlos M. Nalda, File Nos. SAT-STA-20050325-00076 (dated March 31, 2005).

⁴ 47 U.S.C. § 302(f).

⁵ 47 C.F.R. § 25.120.

⁶ 47 C.F.R. § 25.120(a).

⁷ 47 C.F.R. § 25.120(b).

⁸ See XM Radio, Inc. and Sirius Satellite Radio Inc. Requests for Special Temporary Authority, *Order and Authorization*, 19 FCC Rcd 18140 (Sat. Div., Int'l Bur. 2004) at ¶ 6.

⁹ See Iridium Constellation, LLC and Iridium, US LP Request for Temporary Authorization, *Order*, 18 FCC Rcd 11564 (Sat. Div., Int'l Bur. 2003) at ¶ 10.

additional factors justifying grant of the requested STA. First, in granting numerous earth station licenses and experimental authorizations to operate the Connexion by BoeingSM Aeronautical Mobile-Satellite Service ("AMSS") system in Ku-band frequencies, the Commission has recognized the public interest benefits of Boeing's AMSS service.¹⁰ Moreover, in adopting the global secondary Ku-band AMSS allocation domestically, the Commission recognized that AMSS represents an important new use of the 14.0-14.5 GHz band.¹¹ The Commission also recently released a notice of proposed rulemaking to adopt AMSS service rules that recognizes the important public benefits of AMSS services generally and that AMSS is a global communications service.¹² Grant of SES Americom's STA application will allow Boeing to expand its AMSS service offering to customers operating in the Pacific Ocean region as quickly as possible.

Second, the Commission has authorized Boeing to provide AMSS service to U.S. government aircraft operating in U.S. territory and international waters.¹³ Various U.S. government VIP/Special Air Mission ("VIP/SAM") aircraft have been equipped with the Connexion by BoeingSM service, including aircraft that operate in the Pacific Ocean region. In this connection, Boeing provides critical aeronautical communications services to these aircraft in support of U.S. military, homeland security and other important government communications needs. Grant of SES Americom's STA application will enable Boeing to support important U.S. government communications needs in the Pacific Ocean region and ensure that U.S. military and government users have access to critical aeronautical communications services in the region at the earliest possible time.

¹⁰ See, e.g., The Boeing Company, *Order and Authorization*, 16 FCC Rcd. 22645 (Int'l Bur./OET 2001); Radio Station Authorization, Call Sign E000723, File No. SES-MOD-20030512-00639; see also The Boeing Company, *Experimental Radio Station Construction Permit and License*, Call Sign WC2XVE (various file numbers).

¹¹ See Amendment of Parts 2, 25, and 87 of the Commission's Rules to Implement Decisions from the World Radiocommunication Conferences Concerning Frequency Bands Between 28 MHz and 36 GHz and to Otherwise Update the Rules in this Frequency Range, ET Docket No. 02-305, *Report and Order*, 18 FCC Rcd 23426 (2003) at ¶ 76.

¹² See In the Matter of Service Rules and Procedures to Govern the Use of Aeronautical Mobile Satellite Service Earth Stations in Frequency Bands Allocated to the Fixed Satellite Service, *Notice of Proposed Rule Making*, IB Docket No. 05-20 (rel. Feb. 9, 2005).

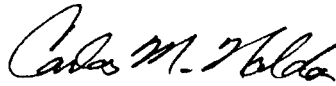
¹³ See generally The Boeing Company, *Experimental Radio Station Construction Permit and License*, Call Sign WC2XVE, File No. 0002-EX-ML-2004 (eff. Jan. 13, 2004).

Marlene H. Dortch
April 6, 2005
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For the reasons set forth herein and in its other filings in this proceeding, Boeing urges the Commission grant SES Americom's STA application as soon as possible.

Please feel free to contact the undersigned with any questions regarding this submission.

Respectfully submitted,



Carlos M. Nalda
Counsel for The Boeing Company

cc: Nancy J. Eskenazi
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