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July 7, 2006

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

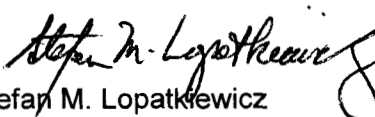
Federal Communications Commission
Office of Secretary

Re: *IB File Nos. SAT-STA-20060627-00070 and SAT-STA-20060628-00071;
PanAmSat Licensee Corp. Application for Special Temporary Authority
to Operate Ku-Band Payload on the PAS-9 Satellite at the 26.15° E.L.
Orbital Location*

Dear Ms. Dortch:

Transmitted herewith, please find an original and four copies of Eutelsat S.A.'s Comments regarding the above-referenced request for STA by PanAmSat Licensee Corp. Please direct any questions regarding this filing to the undersigned.

Sincerely yours,


Stefan M. Lopatkiewicz

Enclosures

cc: Karl Kensinger
Andrea Kelly

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

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
PANAMSAT LICENSEE CORP.)
) File Nos. SAT-STA-20060627-
) 00070
Application for Special Temporary Authority to) SAT-STA-20060628-
Operate Ku-Band Payload on the PAS-9 Satellite) 00071
At the 26.15° E.L. Orbital Location)
)

To: Chief, International Bureau

COMMENTS OF EUTELSAT S.A.

Eutelsat S.A. ("Eutelsat"), by its undersigned counsel and in accordance with section 25.154 of the Commission's Rules, 47 CFR § 25.154, hereby submits the following comments on the application of Panamsat Licensee Corp. ("Panamsat") for special temporary authority ("STA") to operate the Ku-band payload on its PAS-9 satellite at the 26.15° E.L. geostationary orbital location. Before considering PanAmSat's request, the Commission should require the applicant to supplement its Engineering Statement in support of the application to consider the Eurobird™ 2 satellite presently operating at 25.8° E.L., as well as Eutelsat's Hot Bird™ 1 satellite, which will within 60 days be redeployed by Eutelsat from its current 13.0° E.L. position to operate in the 25.5° E.L. orbital position. Eutelsat also submits that Panamsat's two referenced STA requests to operate the Ku-band payload on PAS-9 should be treated as one and, on that basis, should be placed on public notice before being considered for approval.

Background

By order dated August 26, 2004, the International Bureau granted Panamsat conditional authority to operate the C-band communications payload and Ku-band telemetry, tracking and command stations on the PAS-9 satellite at the 26.15° E.L. orbital location (“*PAS-9 C-Band Order*”).¹ Although the United States has not submitted any relevant International Telecommunications Union (ITU) filings for the orbital location, the Bureau determined that the conditional authorization would serve the public interest because the satellite was previously being used by Panamsat as an in-orbit spare and Panamsat had entered into an agreement to lease the spacecraft’s C-band capacity to Arabsat. In issuing the *PAS-9 C-Band Order*, the Bureau observed that the PAS-9 would be virtually co-located with Arabsat 2A and that the Saudi Arabian administration had already coordinated use of C-band frequencies in a manner consistent with Panamsat’s planned operations at the orbital position. The Bureau conditioned its grant of authorization, *inter alia*, on Panamsat operating the satellite “on a non-harmful interference basis, *i.e.*, Panamsat may neither cause harmful interference to nor claim interference protection from other lawfully operating stations.”²

On June 27, 2006, Panamsat filed a request for STA to operate the Ku-band payload on the PAS-9 satellite for a period not to exceed 30 days at the same 26.15° E.L. location.³ The applicant represented that it has an agreement for Arabsat to use such Ku-band capacity on an interim basis until launch of the Arabsat 4B satellite. Almost immediately, on June 28, 2006,

¹ *PanAmSat Licensee Corp.*, Order and Authorization, DA 04-2680, released August 26, 2004.

² *PanAmSat C-Band Order*, ¶ 6.

³ File No. SAT-STA-20060627-00070.

Panamsat filed a second application⁴ for extension of the 30-day STA, which has not yet been acted upon, for a period not to exceed an additional 180 days.

In support of both the original request for STA and the request for extension, Panamsat filed a consolidated Engineering Statement. As reflected in Exhibit 3 to that Engineering Statement, the applicant conducted an "Adjacent satellite link analysis" for several adjacent satellites located roughly within 2.5 degrees of the 26.15° E.L. orbital location. These adjacent satellites include the Eurobird™ 1 operated by Eutelsat. However, footnotes 1 and 2 of the Engineering Statement make clear that the applicant's link analysis does not include Eutelsat's Eurobird™ 2 satellite, operated at the 25.8° E.L. orbital location, only 0.35 degrees away from the PAS-9, because "Arabsat is coordinating the operation of PAS-9 and the Eurobird™ 2 with Eutelsat". The request for STA (page 2) makes a similar assertion.

Panamsat Must Conduct its Link Analysis with All of Eutelsat's Satellites

Until July 4, 2006, Arabsat leased from Eutelsat most of the Ku-band payload on the Eurobird™ 2 satellite. Eutelsat has located its Eurobird™ 2 satellite at the 25.8° E.L. orbital location pursuant to this lease arrangement. Effective July 5, however, Arabsat's lease with Eutelsat for all but six of the Eurobird™ 2 Ku-band transponders terminated. Notwithstanding this fact, at Arabsat's request, Eutelsat will retain its satellite at the 25.8° E.L. position until March 2007 in order to fulfill its contractual obligation to Arabsat for the remaining six Ku-band transponders.

Eutelsat has leased the Ku-band capacity on the Eurobird™ 2 satellite previously leased by Arabsat to other customers. Consequently, Panamsat's assumption in its STA application and the supporting Engineering Statement that "interference free operation with respect to

⁴ File No. SAT-STA-20060628-00071.

Eurobird™ 2 at 25.8° E.L. will be achieved by not allowing PAS-9 and Eurobird™ 2 to operate co-frequency on the same polarization”⁵ is incorrect. As a result, it is necessary for Panamsat to supplement the analysis reflected in its Engineering Statement supporting its STA application with an analysis showing how the PAS-9 satellite will be able to operate in the proposed Ku-bands without causing harmful interference to operations on the Eurobird™ 2 at the 25.8° E.L. orbital location in the same frequency bands.⁶

As recounted above, Panamsat’s authorization from the Commission to operate the C-band payload of the PAS-9 satellite at the 26.15° E.L. location is conditioned on (1) PanAmSat’s operations being conducted “on a non-harmful interference basis” in relation to “any other lawfully operating satellites;” (2) that “in the event of any harmful interference as a result of PanAmSat’s operations at the 26.15° E.L. orbital position, PanAmSat shall cease operations immediately upon notification of such interference and shall inform the FCC in writing immediately of such event;” and (3) “that PanAmSat shall inform its customers that operations at the 26.15° E.L. orbital location are on a non-harmful interference basis and that PanAmSat must cease operations upon notification of such interference.”⁷ The Commission’s concern that Panamsat operate on a non-harmful interference basis in the C-band is equally applicable to the operation of PAS-9 in the Ku-band at the 26.15° E.L. orbital location, as the United States has not made any relevant filings for this position in those frequencies either.

Under applicable ITU regulations Eutelsat is lawfully entitled to operate a Ku-band satellite at the 25.5° E.L. orbital location, within all unplanned Ku-bands, i.e. including those

⁵ Footnotes 1 and 2 of Panamsat Engineering Statement

⁶ Eutelsat has already informally advised Panamsat of its concern with the representation made in Panamsat’s STA applications regarding Arabsat’s undertaking to “coordinate the operations of the PAS-9 with that of the Eurobird 2 satellite.”

⁷ *PAS-9 C-Band Order*, Conditions 8, 9 and 10 of the Ordering Clauses.

proposed for PAS-9 operations at 26.15° E.L., and within any region of the Earth visible from that position (EUTELSAT-3-25.5E filings)⁸. The Eurobird™ 2 satellite, currently operated 0.3° away from Eutelsat's filed 25.5°E orbital location on Arabsat's request as part of the arrangement for lease of capacity of that satellite by Arabsat, will be redeployed at the filed 25.5°E orbital location immediately after Arabsat's lease of the remaining six transponders on Eurobird™ 2 terminates in March 2007. In the meantime, Eutelsat's Hot Bird™ 1 satellite⁹ will be deployed to operate at the 25.5° location in a complementary way to Eurobird™ 2 at the beginning of September 2006.¹⁰ Once in operation at the 25.5° E.L. orbital location covered by the EUTELSAT-3-25.5E filings, these two satellites will qualify as "lawfully operating satellites," entitled, under conditions similar to those of the terms of the *PAS-9 C-Band Order*, to protection from harmful interference from the PAS-9.

A comparison of Eurobird™ 2's and Hot Bird™ 1's transponder inventory with that of the PAS-9 satellite in the proposed Ku-bands reveals that no fewer than three of Eurobird™ 2's transponders in each of the uplink and downlink and two of Hot Bird™ 1's transponders in the downlink operate in the same polarization in overlapping Ku-band frequencies with transponders of the PAS-9 satellite.¹¹ A likelihood for harmful interference occurring between the operations of these satellites therefore exists. The Commission should not accept Panamsat's request for STA as complete until the applicant has conducted a link analysis to determine whether and to

⁸ Advanced Publication Information (API) submitted on October 17, 1997, published on July 27, 1999 (Special Section API / A / 707 - ITU Weekly Circular n°2388). Coordination Request (CR) submitted on April 17, 1998, published on March 21, 2000 (Special Section AR11/C/3322 - ITU Weekly Circular n°2415).

⁹ Currently in operation at the 13.0° E.L. orbital location.

¹⁰ The two satellites have non-overlapping, complementary frequency plans (*See Exhibit 1 attached*).

¹¹ *See Exhibit 1 attached and Declaration of Jean-Claude Raison verifying all factual representations contained in these Comments.*

what extent the PAS-9 will be able to operate in the Ku-band without causing harmful interference to Eutelsat's Eurobird™ 2 satellite¹² and Hot Bird™ 1 satellite.¹³

The Commission Must Put Panamsat's STA Request on Public Notice

While Panamsat has formally filed two STA requests – an initial one for 30 days and a request for extension for an additional 180 days – in fact the two requests were filed virtually simultaneously, and Panamsat has submitted a single technical analysis in support of both. It appears that Panamsat's strategy in taking this two-step approach was a transparent effort to secure at least short-term authority for its spacecraft at the 26.15° position without the requirement for public notice of its application and comment thereon. Under section 25.120(b)(4) of the Commission's Rules, the International Bureau may grant a STA of up to 30 days without submitting the request to public notice.

However, section 25.120(b)(2) of the Rules makes clear that a request for STA of up to 180 days in duration must be placed on public notice before being acted upon. In this case, Eutelsat has demonstrated that both STA requests are technically deficient since they do not include sufficient technical analysis of the potential interference of PAS-9's Ku-band operations with either Eutelsat's Eurobird™ 2 satellite, whether operating at its current 25.8° location or at the filed 25.5°E orbital location of the EUTELSAT-3-25.5E filings, or Eutelsat's Hot Bird™ 1 satellite at the 25.5° E.L. location. It would make little sense for the Bureau to approve even the shorter-term request without assuring itself that the applicant will be able to operate in the proposed Ku-bands under the same non-interference terms as it is required to in the C-band.

¹² Whether at its current 25.8° E.L. orbital location, where it is temporarily operated pursuant to Eutelsat's lease arrangement with Arabsat, or at the filed 25.5° E.L. orbital location of the EUTELSAT-3-25.5E filings where it will be redeployed thereafter.

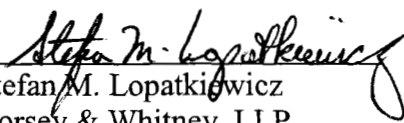
¹³ Panamsat also has an interest in ensuring that its link analyses are complete for its own customer's purposes.

Conclusion

For the reasons set forth above, Eutelsat submits that the Commission should not consider Panamsat's STA request complete and ready for consideration until the applicant has filed the necessary link analysis between the PAS-9's planned Ku-band operations and the operations of Eutelsat's Eurobird™ 2 satellite¹⁴ and Hot Bird™ 1 satellite at the 25.5° E.L. Location. Moreover, because Panamsat has effectively requested a 180-day initial STA term, the Commission must put the request on public notice before considering its merits.

Respectfully submitted

EUTELSAT S.A.

By: 
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Washington, D.C. 20004
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Its Counsel

July 7, 2006

¹⁴ Whether at the 25.8° E.L. location or at the 25.5° E.L. location.

Exhibit 1

Panamsat's PAS-9 and Eutelsat's Eurobird™ 2 / Hot Bird™ 1
transponders frequency plans and frequency overlaps
in the 14.00-14.25 GHz uplink and 11.45-11.70 GHz downlink Ku-bands

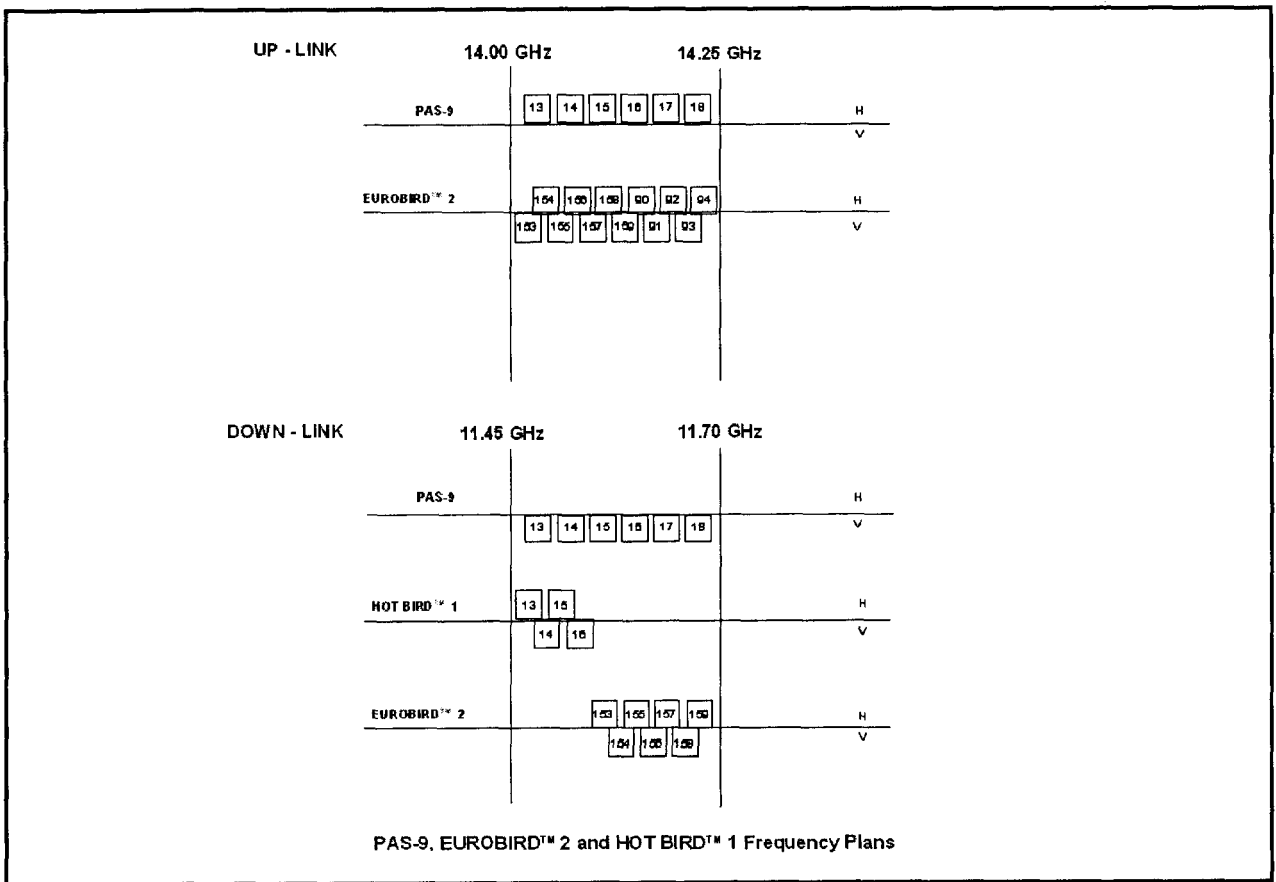


Figure 1
Panamsat's PAS-9 and Eutelsat's Eurobird™ 2 / Hot Bird™ 1
Transponder frequency plans
(14.00-14.25 GHz uplink and 11.45-11.70 GHz downlink Ku-bands)

UP-LINK

				PAS-9					
				13	14	15	16	17	18
Txp. No.	→			13	14	15	16	17	18
Centre Freq. (MHz)	→			14,019	14,060	14,101	14,142	14,183	14,224
Bandwidth (MHz)	→			36	36	36	36	36	36
Pol.	→			H	H	H	H	H	H

Eurobird 2	Txp. No.	Centre Freq. (MHz)	Bandwidth (MHz)	Pol.	13	14	15	16	17	18
	153	14019.18	33	V	33.0	-	-	-	-	-
	154	14038.36	33	H	15.1	12.9	-	-	-	-
	155	14057.54	33	V	-	32.0	-	-	-	-
	156	14076.72	33	H	-	17.8	10.2	-	-	-
	157	14095.90	33	V	-	-	29.4	-	-	-
	158	14115.08	33	H	-	-	20.4	7.6	-	-
	159	14134.26	33	V	-	-	1.2	26.8	-	-

DOWN-LINK

				PAS-9					
				13	14	15	16	17	18
Txp. No.	→			13	14	15	16	17	18
Centre Freq. (MHz)	→			11,476	11,517	11,558	11,599	11,640	11,681
Bandwidth (MHz)	→			36	36	36	36	36	36
Pol.	→			V	V	V	V	V	V

Eurobird 2	Txp. No.	Centre Freq. (MHz)	Bandwidth (MHz)	Pol.	13	14	15	16	17	18
	13	11471.41	36	H	31.4	-	-	-	-	-
	14	11492.16	36	V	19.8	11.2	-	-	-	-
	15	11512.91	36	H	-	31.9	-	-	-	-
	16	11533.66	36	V	-	19.3	11.7	-	-	-
	153	11565.74	33	H	-	-	26.8	1.2	-	-
	154	11584.92	33	V	-	-	7.6	20.4	-	-
	155	11604.10	33	H	-	-	-	29.4	-	-
	156	11623.28	33	V	-	-	-	10.2	17.8	-
	157	11642.46	33	H	-	-	-	-	32.0	-
	158	11661.64	33	V	-	-	-	-	12.9	15.1
	159	11680.82	33	H	-	-	-	-	-	33.0

Figure 2
 Frequency overlap in MHz between
 Panamsat's PAS-9 and Eutelsat's Eurobird™ 2 / Hot Bird™ 1 transponders
 (Co-pol. Txps shown in bold)

DECLARATION

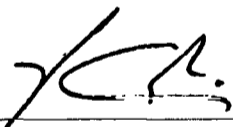
I, Jean-Claude Raison, do hereby declare and state as follows:

1. I am the Chief of the "Access to Spectrum & Orbit Ressources" Group in the Corporate Development & External Relations Department of Eutelsat S.A. ("Eutelsat") in Paris, France. I am providing this Declaration in support of Eutelsat's Comments filed with regard to PanAmSat Licensee Corp.'s applications to the Federal Communications Commission for special temporary authority to utilize the Ku-band payload on its PAS-9 satellite at the 26.15° E.L. orbital location. File Nos. SAT-STA-20060627-00070 and SAT-STA-20060628-0071.

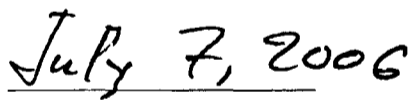
2. Eutelsat operates a fleet of 23 in-orbit satellites, providing telecommunications services to a large region of the world. This fleet includes the Eurobird™ 1 and 2 and the Hot Bird™ 1 satellites. In my position, I am responsible for overseeing all matters related to access to spectrum and orbit resources for Eutelsat's satellites, including therefore satellite network coordination pursuant to ITU Radio Regulations and treatment of any interference issues.

3. All of the factual statements contained in Eutelsat's Comments to which this Declaration is attached are true and correct to the best of my information, knowledge and belief. In addition, I oversaw the preparation of Exhibit 1 to those Comments based on data in Eutelsat's records regarding the operational specifications of the satellites addressed in that exhibit.

Under penalty of perjury, the foregoing is a true and correct statement, to the best of my information, knowledge and belief.



Jean-Claude Raison



Date

CERTIFICATE OF SERVICE

I hereby certify that on this, the 7th day of July, 2006, a true and correct copy of the foregoing *Comments of Eutelsat S.A.* filed on the Application of PanAmSat Licensee Corporation for Special Temporary Authority to Operate the PAS9 Ku-Band Payload (File Nos. SAT-STA-20060627-00070 and SAT-STA-20060628-00071) was delivered via U.S. mail, postage prepaid to:

Joseph A. Godles, Esquire
Goldberg Godles Wiener & Wright
1229 19th Street, N. W.
Washington, D.C. 20036
Counsel for PanAmSat Licensee Corp.


Joyce R. Dozier