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File Number: SAT-STA-20060921-00108
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:

AMC-16 STA Request regarding Ka Band

I. 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 | | |

SAT-STA-20060921-00108
WITH ATTACHED CONDITIONS
S2181 9/22/2006

9/22/2006 11/21/2006
Robert C. Nelson Chief
Satellite Division

Attachment
File No. SAT-STA-20060921-00108

SES Americom, Inc.'s request, File No. SAT-STA-20060921-00108, IS GRANTED and SES Americom, Inc. ("SES") IS AUTHORIZED, for a period of 60 days, ending November 21, 2006, to operate the AMC-16 satellite in the 18.6-18.8/19.7-20.2 GHz (space-to-Earth) and 28.4-28.6/29.5-30.0 GHz (Earth-to-space) frequency bands (the "Ka-Band payload") at the 118.75° W.L. orbital location, and to conduct any space station Telemetry Tracking and Control operations necessary to effect those operations, subject to the following conditions:

1. All operations shall be on an unprotected and non-harmful interference basis, *i.e.*, SES shall not cause harmful interference to, and shall not claim protection from interference caused to it by, any other lawfully operating station.

2. In the event of any harmful interference as a result of SES's operations at the 118.75° W.L. orbital location, SES shall cease operations immediately upon notification of such interference and shall inform the FCC, in writing, immediately of such an event.

3. SES shall inform its customers that operations at the 118.75° W.L. orbital location are on a non-harmful interference basis and that SES must cease operations upon notification of such interference.

4. SES shall maintain full operational control of the Ka-Band payload on AMC-16 at all times.

5. This authorization is issued on the express understanding that, to the extent SES, and its affiliated companies, pursuant to any arrangement with Telesat Canada, and its affiliated companies, will conform its operations to any parameters agreed to in coordination agreements between the Administration of Canada and other Administrations, responsibility for both compliance with and enforcing compliance with those arrangements and agreements is a matter which would arise under private law.

6. This authorization is issued with the understanding that this grant is not an approval of any specific arrangement entered into by SES, its subsidiaries, and affiliates, nor of any specific provision of any such arrangement, concerning operation of the AMC-16 satellite, nor is it an approval of an arrangement/agreement concerning any related matter, nor of any specific provision of any such arrangement/agreement concerning any related matter.

7. In connection with the provision of service in any particular country, SES is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of that country.

8. This authorization is issued with the understanding that the United States remains the licensing administration of AMC-16 Ka-Band payload for purposes of ITU Radio Regulation 18.1 unless and until the FCC expressly approves a transfer of responsibility to another licensing administration, and that operations of the AMC-16 Ka-Band payload while the FCC remains the licensing administration are pursuant to ITU Radio Regulation 4.4. Such approval would be addressed in connection with an application, filed by SES, seeking such action.

9. This authorization is issued with the understanding that with respect to its filings with the ITU for the 118.7° W.L. orbital location, the Administration of Canada is not acting pursuant

Attachment
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to Article 9 of the Radio Regulations on behalf of the United States Administration.

10. This authorization is issued with the understanding that this grant does not in any way express a view concerning, or agreement as to, the validity or lack of validity of any ITU filing at or within the vicinity of the 118.7° W.L. orbital location.

11. SES shall prepare and submit to the Federal Communications Commission, within fifteen days following release of this Order, materials for submission to the ITU, pursuant to Article 8.4 of the Radio Regulations, in connection with the operations of the AMC-16 Ka-Band payload at the 118.75° W.L. orbital location.

12. Grant of this authorization does not convey to SES any authority to operate a replacement space station at the 118.75° W.L. orbital location or any priority in the United States satellite licensing process relative to applications for authority to operate a regularly authorized satellite at this orbital position.

13. Grant of this authority is without prejudice to action on any request by SES to modify the terms of the authorizations issued in DA 06-757 (released April 7, 2006). Grant of this authorization does not constitute an authorization pursuant to Section 25.161(c) of the Rules, concerning automatic termination of license.

14. SES must coordinate the AMC-16 Ka-band payload's downlink operations with the U.S. Government in accordance with footnote US334 to the Table of Frequency Allocations, 47 C.F.R. § 2.106.

15. The power flux-density across the 200 MHz band 18.6-18.8 GHz produced at the surface of the Earth by emissions from the AMC-16 Ka-Band payload under assumed free-space propagation conditions shall not exceed -95dB(W/m²) for all angles of arrival. This limit may be exceeded by up to 3dB for no more than 5% of the time.

16. The power flux-density in the bands 18.3-18.8 and 19.7-20.2 GHz produced at the surface of the Earth by emissions from the AMC-16 Ka-Band payload must be consistent with the requirements of 47 C.F.R. §§ 25.138(a)(6) and 25.208.

17. This authorization is not one relating to an "activity of a continuing nature" for purposes of Section 1.62 of the Commission's rules and Section 558(c) of the Administrative Procedure Act. Continuation of operations beyond the 60 day term of this authorization will require prior affirmative authorization by the FCC.

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WITH ATTACHED CONDITIONS
S2181 9/22/2006

9/22/2006 11/21/2006

[Signature] Chair Satellite
Robert G. Nelson Division

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| 2. Contact | |
| Name: Karis A. Hastings, Esq. | Phone Number: 2026375767 |
| Company: Hogan & Hartson L.L.P. | Fax Number: 2026375910 |
| Street: 555 Thirteenth Street, NW | E-Mail: kahastings@hhlaw.com |
| City: Washington | State: DC |
| Country: USA | Zipcode: 20004 -1109 |
| Attention: | Relationship: |
| (If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.) | |
| 3. Reference File Number or Submission ID | |
| 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.) | | |
| <div style="border: 1px solid black; padding: 10px; margin: 0 auto; width: 80%;"> <p>SES Americom, Inc. requests special temporary authority to activate AMC-16's Ka-band payload. See Attachment A.</p> </div> | | |
| 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. <input checked="" type="radio"/> Yes <input type="radio"/> No | | |
| 10. Name of Person Signing Nancy J. Eskenazi | 11. Title of Person Signing VP & Assoc. Gen. Counsel | |
| 12. Please supply any need attachments. | | |
| Attachment 1: Attachment A | Attachment 2: | Attachment 3: |
| <p>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).</p> | | |

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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 Operate)
the AMC-16 Ka-band Payload at 118.75° W.L.)

EXPEDITED CONSIDERATION REQUESTED

APPLICATION OF SES AMERICOM, INC.

SES Americom, Inc. (“SES Americom”) hereby respectfully requests special temporary authority for a period of up to sixty days to activate the Ka-band payload of the AMC-16 spacecraft at 118.75° W.L. pursuant to an amended agreement with Telesat Canada (“Telesat”). Grant of the requested authority will serve the public interest by allowing efficient use of spectrum and orbital resources to meet customer requirements for new Ka-band service in Canada.

AMC-16 is a geostationary Ku/Ka-band hybrid satellite licensed by the Commission to operate at 85° W.L.¹ In April the International Bureau granted a modification of SES Americom’s license for AMC-16 to accommodate services contemplated pursuant to an agreement between SES Americom, Telesat, and EchoStar Satellite L.L.C. (“EchoStar”).² The *AMC-16 Order* authorized relocation of AMC-16 to 118.75° W.L. for temporary operations

¹ See File Nos. SAT-MOD-20040227-00022 & SAT-RPL-20040227-00024, granted Sept. 2, 2004.

² *SES Americom, Inc. and EchoStar Satellite L.L.C.*, Order and Authorization, DA 06-757 (Int’l Bur. rel. April 7, 2006) (“*AMC-16 Order*”).

under a license issued by Industry Canada to Telesat and return of AMC-16 to 85° W.L. following the launch of Telesat's Anik F3 spacecraft.³ The Commission exchanged letters with Industry Canada regarding the mutual understandings of the two administrations relating to operation of AMC-16 at 118.75° W.L.⁴

The *AMC-16 Order* noted that the agreement among Telesat, EchoStar and SES Americom applied only to use of the Ku-band payload of AMC-16 at 118.75° W.L., and the license issued by Industry Canada to Telesat authorized only Ku-band operations at that location. *Id.* at ¶¶ 2-3. Similarly, the exchange of letters between the Commission and Industry Canada refers only to Ku-band operations of AMC-16 at 118.75° W.L.

Recently, however, SES Americom, Telesat, and EchoStar amended their agreement relating to AMC-16 operations at 118.75° W.L. to provide for use of the satellite's Ka-band payload for service to Canada. SES Americom understands that Industry Canada has asked the Commission to expand the exchange of letters relating to AMC-16 to permit use of the Ka-band payload of the satellite pursuant to Canadian authority on the same material terms as currently govern Ku-band operation.

Pending completion of the amended exchange of letters, SES Americom seeks Commission authority to activate the Ka-band payload of AMC-16 at 118.75° W.L. for use by Telesat to provide service to Canada.⁵ SES Americom recognizes that until such time as the exchange of letters is amended, the terms and conditions specified in the existing exchange of

³ The *AMC-16 Order* required that AMC-16 be returned to 85° W.L. and recommence Ka-band services there by December 31, 2006 in order for SES Americom to retain its Ka-band rights at that orbital location. *Id.* at ¶ 15. SES Americom will soon be filing a request for extension of that deadline in light of the delay in the Anik F3 launch schedule.

⁴ See *id.* at ¶ 10. A copy of the letters was attached as Annex A of the *AMC-16 Order*.

⁵ AMC-16's Ka-band payload will not be used for U.S. service from 118.75° W.L.

letters reflecting the understandings of the Canadian and U.S. administrations would continue to apply to operation of AMC-16.

Grant of the requested authority will serve the public interest by allowing currently unused capacity to be activated to provide service to customers. Telesat had planned to commence Ka-band services from the nominal 118.7° W.L. orbital location using Anik F3, which is fully constructed and was scheduled for launch in the fourth quarter of 2006. However, the launch of Anik F3 has been delayed due to circumstances beyond Telesat's control. The ability to use AMC-16 Ka-band capacity on an interim basis will allow Telesat to initiate new services to customers notwithstanding the unforeseen delay in the Anik F3 launch schedule.

Although initial service using AMC-16's Ka-band payload will be limited to Canadian operations, SES Americom understands that Telesat will be able to offer Ka-band coverage over Anik F3 to parts of the U.S., subject to receipt of appropriate regulatory approval.⁶ Grant of the authority requested here will thus benefit U.S. customers by permitting Telesat to begin Ka-band operations at the nominal 118.7° W.L. orbital location and to evaluate the Ka-band service's technical and commercial characteristics, facilitating the subsequent introduction of Ka-band service over Anik F3 to U.S. users.

SES Americom understands that Telesat seeks to initiate its Ka-band services no later than September 24, 2006, and has so advised the Commission. We request expedited action on this request to accommodate Telesat's service requirements.

⁶ Telesat has already demonstrated its intention to use Anik F3's C- and Ku-band payloads for service to the U.S. by filing a request to place those payloads on the Commission's Permitted Space Station List. *See* File No. SAT-PPL-20060516-00061. However, Ka-band services cannot be authorized through the Permitted List. Accordingly, U.S. customers who seek to use the Anik F3 Ka-band payload will need to request earth station authorizations allowing them to communicate with Anik F3 in that band.

The proposed commencement of Ka-band services from AMC-16 at 118.75° W.L. will not adversely affect any party. As noted above, AMC-16 is currently in position at 118.75° W.L., but its Ka-band payload has been dark. There are currently no Ka-band satellites operational within six degrees on either side of 118.75° W.L., and no new Ka-band operations are expected to commence within that arc in the near future. In any event, AMC-16 will be operated consistent with existing coordination agreements entered into by Canada with respect to Ka-band operations at the nominal 118.7° W.L. orbital location and will not interfere with any authorized Ka-band satellites.

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.

For the foregoing reasons, SES Americom seeks temporary authority for a period of up to 60 days to activate the Ka-band payload of AMC-16 at 118.75° W.L. for use by Telesat to serve Canada.

Respectfully submitted,

SES Americom, Inc.

By: /s/ Nancy J. Eskenazi

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Dated: September 21, 2006