

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

In the Matter of Application of)	
)	
SES AMERICOM, INC.)	File No. SAT-STA-_____
)	Call Sign S2162
For Special Temporary Authority to)	
Relocate AMC-3 to 67° W.L.)	

APPLICATION OF SES AMERICOM, INC.

SES Americom, Inc. (doing business as “SES”) hereby respectfully requests special temporary authority (“STA”) for a period of sixty days beginning on January 13, 2012 to relocate the AMC-3 C-/Ku-band fixed-satellite service (“FSS”) space station to 67° W.L., where it will be co-located with AMC-4. Specifically, SES seeks authority to (a) perform Telemetry, Tracking and Control (“TT&C”) using certain C-band and Ku-band frequencies in order to relocate AMC-3 from 86.9° W.L. to 67° W.L., and (b) operate both the TT&C and Ku-band communications payloads on AMC-3 after it has arrived at 67° W.L. Grant of the requested authority will serve the public interest by allowing SES to use AMC-3 to expand the service being made available from 67° W.L.

SES has recently filed an application to reassign AMC-3 to 67° W.L. for operations in accordance with the International Telecommunication Union (“ITU”) filings of the Colombian Administration, as Notifying Administration for the Andean Community (“CAN”).¹ Pending action on the modification, SES seeks STA to allow it to commence relocation of AMC-3 to 67° W.L.

¹ See File No. SAT-MOD-20111220-00243.

AMC-3 is a hybrid C/Ku-band satellite that is licensed to operate pursuant to Commission authority at the nominal 87° W.L. location.² AMC-3 was replaced earlier this year by the SES-2 spacecraft.³ To simplify stationkeeping at 87° W.L., SES requested and received temporary authority to relocate AMC-3 to an offset position at 86.9° W.L. and operate the spacecraft as an in-orbit spare.⁴

SES now proposes to relocate AMC-3 to 67° W.L. At its new location, AMC-3 will be collocated with AMC-4⁵ and will operate in the conventional Ku-band with coverage of the southern U.S., Mexico and parts of the Caribbean.⁶ SES is not seeking authorization to operate the AMC-3 C-band communications payload at 67° W.L., but proposes to use certain C-band frequencies for TT&C.

Operations of AMC-3 at 67° W.L. will be in accordance with ITU filings of the Colombian Administration as Notifying Administration for the Andean Community, whose members are Bolivia, Colombia, Ecuador, and Peru (the “Andean Community”). The Andean Community has granted SES Americom’s affiliate, New Skies Satellites B.V. (“New Skies”),

² See File No. SAT-LOA-19950215-00028. AMC-3 is licensed to operate in the conventional C-band (3700-4200 MHz and 5925-6425 MHz) and conventional Ku-band (11.7-12.2 GHz and 14.0-14.5 GHz) frequencies.

³ See File Nos. SAT-RPL-20110429-00082 & SAT-AMD-20110613-00107 (Call Sign S2826), grant-stamped Sept. 1, 2011.

⁴ See File Nos. SAT-STA-20111031-00210 (Call Sign S2162), grant-stamped Nov. 9, 2011; SAT-STA-20111205-00234, grant-stamped Dec. 20, 2011.

⁵ AMC-4 was relocated to 67° W.L. in July 2010 pursuant to Commission authority. See Call Sign S2135, File Nos. SAT-STA-20100525-00108 (granted in part July 12, 2010 and in part on July 28, 2010); SAT-STA-20100824-00182 (granted Sept. 8, 2010); SAT-MOD-20100623-00144 (the “AMC-4 Modification Application”) (granted Nov. 4, 2010).

⁶ Operations of AMC-4 at 67° W.L. are subject to a number of conditions specified in the grant of the AMC-4 Modification Application, and SES is willing to accept imposition of comparable conditions with respect to the proposed operations of AMC-3.

exclusive authorization for commercial utilization of the 67° W.L. orbital location for a thirty-year term.⁷

Grant of the requested authority to relocate AMC-3 will serve the public interest and is consistent with Commission precedent. The Commission has repeatedly observed that its policy is to allow “satellite operators to rearrange satellites in their fleet to reflect business and customer considerations where no public interest factors are adversely affected.”⁸ As the International Bureau has explained:

the Commission attempts, when possible, to leave spacecraft design decisions to the space station licensee because the licensee is in a better position to determine how to tailor its system to meet the particular needs of its customers. Consequently the Commission will generally grant a licensee’s request to modify its system, provided there are no compelling countervailing public interest considerations.⁹

Here, the proposed change will allow SES to make efficient use of AMC-3, a spacecraft that is currently operating as an in-orbit spare, in order to expand SES’s provision of

⁷ New Skies and SES Americom are under common ownership and have made intra-company arrangements to allow deployment of AMC-3 to 67° W.L. for use under the New Skies authorization from the Andean Community. A copy of the unofficial English translation of Decision 725, the Andean Community’s grant of authority to New Skies, was submitted as Attachment 1 to the AMC-4 Modification Application.

⁸ *SES Americom, Inc.*, Order and Authorization, DA 06-757 (IB rel. Apr. 7, 2006) at 4, ¶ 8, *citing Amendment of the Commission’s Space Station Licensing Rules and Policies*, Second Report and Order, 18 FCC Rcd 12507, 12509, ¶ 7 (2003).

⁹ *AMSC Subsidiary Corp.*, Order and Authorization, DA 98-493, 13 FCC Rcd 12316 (IB 1998) at 12318, ¶ 8 (footnote omitted). Although AMSC never implement the relocation authorized in this case, the Commission has repeatedly reaffirmed its policy of allowing licensees to change their fleet configurations to accommodate customer requirements. *See, e.g., Space Station Licensing Rules and Policies*, First Reconsideration Order and Fifth Report and Order, FCC 04-147, 19 FCC Rcd 12637, 12653, ¶ 39 (“we generally permit licensees to modify their systems to adapt to changing business and customer needs,” citing *AMSC Subsidiary Corp.* and other cases).

capacity to the southern U.S., Mexico and parts of the Caribbean, including capacity for direct-to-home video services, in order to meet customer demand for those services. Because AMC-3 has been replaced by the recently launched SES-2 at 87° W.L., the relocation of AMC-3 will not have any impact on service at 87° W.L. Further, SES will operate AMC-3 in conformance with the ITU filings and the applicable coordination agreements of Colombia, ITU notifying Administration for the Andean Community, regarding operations at 67° W.L. Thus, the requested modification will not adversely affect any party. Under these circumstances, grant of the requested modification is consistent with the Commission's policy of allowing satellite operators to maximize the efficient use of spectrum and orbital resources consistent with customer requirements.

Relocation of AMC-3 to 67° W.L. will not adversely affect other operators. SES will operate only the TT&C frequencies of AMC-3 during the drift.¹⁰ SES will follow standard industry practices for coordination of TT&C transmissions during the relocation process. Once AMC-3 arrives at 67° W.L., SES will operate the satellite in conformance with Colombian coordination agreements. AMC-3 will be flown in formation with AMC-4, and the AMC-3 stationkeeping volume will not overlap with that of any satellite other than that of AMC-4.

SES requests any necessary waiver of Section 25.202(g) of the Commission's rules in connection with the instant STA request. Grant of the waiver is consistent with Commission policy:

The Commission may waive a rule for good cause shown.
Waiver is appropriate if special circumstances warrant a

¹⁰ The AMC-3 TT&C frequencies are as follows:
Command: 6423.5 MHz (vertical polarization; uplink)
Telemetry: 3700.5 MHz (vertical polarization; downlink), 4199.5 MHz (horizontal polarization; downlink), and 12198.0 MHz (horizontal polarization; downlink).

deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule. Generally, the Commission may grant a waiver of its rules in a particular case if the relief requested would not undermine the policy objective of the rule in question and would otherwise serve the public interest.¹¹

Section 25.202(g) provides that “[t]elemetry, tracking and telecommand functions for U.S. domestic satellites shall be conducted at either or both edges of the allocated band(s).”¹²

The Commission has explained that:

The purpose of this rule is to simplify the coordination process for satellite systems, to provide an incentive for an operator to maximize the efficiency of its system’s TT&C operations, and to minimize the constraints placed on other satellite operations.¹³

Here, SES does not propose to operate the AMC-3 C-band communications payload while the spacecraft is located at 67° W.L., but does propose to use limited C-band frequencies for TT&C. SES submits that this configuration conforms to Section 25.202(g), which does not require TT&C to be conducted in a space station’s operating bands but simply in “either or both ends of the allocated bands for the service.”¹⁴ SES’ intention to perform TT&C functions at the edge of the C-band, which is allocated for FSS service and for which AMC-3 has been licensed, is therefore consistent with the plain language of Section 25.202(g).¹⁵

¹¹ *PanAmSat Licensee Corp.*, 17 FCC Rcd 10467, 10492 (Sat. Div. 2002) (footnotes omitted).

¹² 47 C.F.R. § 25.202(g).

¹³ *Orbcomm License Corp.*, 23 FCC Rcd 4804 at ¶ 20 (IB & OET 2008).

¹⁴ *DIRECTV Enterprises, LLC*, DA 06-1493, 21 FCC Rcd 8028 (Sat. Div. 2006) at ¶ 11.

¹⁵ It is also consistent with the Commission’s prior action in a similar factual scenario involving AMC-2. Specifically, the Commission authorized SES to use C-band channels for TT&C during interim operations of AMC-2 at 105° W.L. but did not authorize use of the spacecraft’s C- band communications payload. *See SES Americom, Inc.*, DA 03-2197, 18 FCC

SES is aware, however, that in some decisions the Commission has characterized Section 25.202(g) as requiring “FSS systems to operate their tracking, telemetry, and command (TT&C) links at the edges of the frequency bands *in which they are providing service.*”¹⁶

Accordingly, SES requests grant of any necessary waiver of Section 25.202(g) to allow use of AMC-3 C-band channels for TT&C at 67° W.L.

Grant of a waiver will not undermine the objectives of the rule, which include facilitating coordination, avoiding undue constraints on other satellite operations, and ensuring efficient use of spectrum for TT&C. The proposed AMC-3 TT&C operations in the C-band have been successfully coordinated with Star One, which operates the adjacent C-band spacecraft: Star One C1 at 65° W.L. and Star One B2 at 68° W.L. Thus, no concerns about coordination or constraining other satellite operations are raised here.¹⁷ Furthermore, AMC-3 was designed to operate with both service links and TT&C functions in the C-band. As a result, SES had every incentive to ensure that the AMC-3 TT&C subsystem uses spectrum efficiently, and grant of a waiver now will not impair that efficiency.

Grant of a waiver will also serve the public interest. By allowing SES to use diverse TT&C frequencies, the waiver will enhance the reliability of TT&C functions, facilitating the safe operation of AMC-3 at 67° W.L.

Rcd 13143 (Sat. Div. 2003). There is no suggestion in that decision that the use of C-band for TT&C only required a waiver of Section 25.202(g).

¹⁶ See, e.g., *Northrop Grumman Space & Mission Systems Corp.*, DA 09-428, 24 FCC Rcd 2330 (IB 2009) at ¶ 94 (emphasis added).

¹⁷ See, e.g., *INTELSAT LLC*, FCC 00-287, 15 FCC Rcd 15460 (2000) at ¶¶ 95-100 (granting a waiver of § 25.202(g) where TT&C operations were already coordinated with adjacent operators).

SES 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 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 respectfully requests STA beginning on January 13, 2012 to relocate the AMC-3 C-/Ku-band fixed-satellite space station to 67° W.L.

Respectfully submitted,

SES AMERICOM, INC.

By: /s/ Suzanne H. Malloy

Of Counsel

Karis A. Hastings
SatCom Law LLC
1317 F Street, N.W., Suite 400
Washington, D.C. 20004
Tel: (202) 599-0975

Suzanne H. Malloy
Regulatory Counsel
SES Americom, Inc.
Four Research Way
Princeton, NJ 08540

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