

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

In the Matter of Application of	)	
	)	
ES 172 LLC	)	File No. SAT-STA-_____
	)	Call Sign S2610
For Special Temporary Authority To Operate	)	
the EUTELSAT 172A Satellite at the 174°	)	
E.L. Orbital Location	)	
	)	
<i>Expedited Action Requested</i>	)	

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**

ES 172 LLC, an indirect, wholly owned subsidiary of Eutelsat S.A. (“Eutelsat”), pursuant to Section 25.120(a) of the Commission’s rules, respectfully requests 60-day special temporary authority (“STA”) to permit operation of the EUTELSAT 172A satellite (Call Sign S2610, renamed and referred to herein as “EUTELSAT 174A”) at the 174° E.L. orbital location with a station-keeping tolerance of  $\pm 0.10^\circ$ . ES 172 LLC has concurrently filed an amendment to its satellite license modification application for long-term operation to reflect this station-keeping value.<sup>1</sup> Grant of this STA request will allow Eutelsat to more efficiently operate the satellite to satisfy, among other things, U.S. government communications requirements in the Asia-Pacific region.

ES 172 LLC is the licensee of the EUTELSAT 174A satellite and, together with its Eutelsat affiliates, operates the satellite to support a wide range of traditional fixed-satellite service (“FSS”) and satellite mobility applications throughout the Asia-Pacific region. The Commission recently granted ES 172 LLC an STA to operate EUTELSAT 174A at 174° E.L.<sup>2</sup> ES 172 LLC hereby

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<sup>1</sup> See ES 172 LLC, File No. SAT-AMD-20171205-00165, Call Sign S2610; see also ES 172 LLC, File No. SAT-MOD-20171122-00159, Call Sign S2610.

<sup>2</sup> See ES 172 LLC, SAT-STA-20171122-00160, Call Sign S2610 (granted Nov. 29, 2017).

incorporates by reference the information supporting prior STA request, including the underlying satellite license modification application, as amended.

Among other conditions, the satellite must be operated with a station-keeping tolerance of  $0.05^\circ$  consistent with the original application for the satellite license<sup>3</sup> and Section 25.210(j) of the Commission's rules, 47 C.F.R. §25.210(j). ES 172 LLC now seeks a new STA similar to that requested previously but with a station-keeping tolerance of  $\pm 0.10^\circ$  consistent with that of EUTELSAT 172B<sup>4</sup> and many other U.S. and foreign satellites.<sup>5</sup>

Section 25.210(j) of the Commission's rules requires satellite operators to maintain station-keeping within  $\pm 0.05^\circ$  of their assigned orbital longitude in the east/west direction, unless specifically authorized by the Commission to operate with a different longitudinal tolerance. The Commission has previously allowed an increased station-keeping tolerance based on a finding that doing so would not adversely affect the operations of other spacecraft and would have benefits such as conserving fuel for future operations.<sup>6</sup>

Allowing EUTELSAT 174A to operate with an increased station-keeping volume will have no adverse impact on other operators because the volume will not overlap with that of any other satellites, the only two-degree spaced satellite is EUTELSAT 172B which is controlled by ES 172 LLC, and the next closest satellites on either side of EUTELSAT 174A are  $5^\circ$  and  $6^\circ$  away, respectively. These satellites would be entirely unaffected by relaxation of EUTELSAT

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<sup>3</sup> See File No. SAT-LOA-20031218-00358 (granted July 13, 2004) (Narrative Application and Technical Appendix).

<sup>4</sup> See ES 172 LLC, SAT-STA-20171104-00149, Call Sign S2610 (granted Nov. 16, 2017).

<sup>5</sup> Because Section 25.210(j) expressly contemplates a larger station-keeping tolerance, it is not clear that a waiver of the rule is needed for the Commission to permit a larger value. Out of an abundance of caution, ES 172 LLC requests such a waiver to the extent necessary.

<sup>6</sup> See, e.g., SES Americom, Inc. Application for Modification of Satcom SN-4 Fixed Satellite Space Station License, 20 FCC Rcd 11542, 11545 (Sat. Div. 2005).

174A's station-keeping volume. Furthermore, a station-keeping tolerance of  $\pm .10^\circ$  will afford ES 172 LLC additional operational flexibility and conserve fuel to extend the on-orbit lifetime of this valuable satellite asset. Under these circumstances, permitting a larger station-keeping tolerance under Section 25.210(j) will serve the public interest.

ES 172 LLC notes that the Commission has repeatedly granted authority to operate with a  $\pm .10^\circ$  station-keeping tolerance, subject to the condition that authority to operate with the larger tolerance shall terminate in the event that a satellite is launched into a location such that its station-keeping volume would overlap a satellite's  $\pm 0.10$  degree station-keeping volume, but would not overlap a  $\pm 0.05^\circ$  degree station-keeping volume, unless the satellite operator has successfully coordinated its physical operations with those of the other spacecraft.<sup>7</sup> ES 172 LLC acknowledges and accepts this condition on EUTELSAT 174A operations.

Finally, as indicated in the associated application amendment, ES 172 LLC believes the station-keeping amendment should be considered a minor amendment under Section 25.116 of the Commission's rules, 47 CFR § 25.116(b) (defining major amendment). The amendment does not change the orbital location EUTELSAT 174A, but seeks to expand the station-keeping volume at the assigned orbital location consistent with Commission precedent. The only two-degree spaced satellite is EUTELSAT 172B, which ES 172 LLC controls, and the next closest satellites are  $5^\circ$  and  $6^\circ$  away. Expanding the station-keeping volume would not materially affect the interference environment.

Status as a minor amendment may affect the potential timing of Commission grant of this STA request. Specifically, Section 25.120(a) of the Commission's rules states "[n]o request for temporary authority will be considered unless it is received by the Commission at least 3

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<sup>7</sup> See, e.g., FCC ISAT List, available at <https://www.fcc.gov/isat-list> (noting multiple waivers for Inmarsat 3F and 4F satellites).

working days prior to the date of proposed construction or operation....” 47 C.F.R.

§25.120(a). In the unique circumstances presented here, however, an STA request has already been granted to permit EUTELSAT 174A operations at 174° E.L. consistent with Section 25.120(a) and this request is merely an adjustment to the satellite’s station-keeping tolerance. Accordingly, to realize the benefits of the minor operational adjustment at the earliest possible time, ES 172 LLC respectfully requests a waiver of the three-working-day provision in Section 25.120(a) and seeks immediate grant of this STA. Alternatively, grant of this STA with the earliest possible effective date is requested.

In view of the foregoing, ES 172 LLC respectfully requests that the Commission grant an STA to operate the EUTELSAT 174A satellite at the 174° E.L. orbital location with a  $\pm 0.10^\circ$  station-keeping tolerance at the earliest possible time.