

REGARDING AMENDMENT TO PENDING MODIFICATION APPLICATION

I. Introduction

Telesat Network Services, Inc. ("Telesat") is filing the instant amendment to its pending application to modify its existing authorization for a Ku-band transmit/receive earth station under Call Sign KA399 (FCC File No. SES-MOD-20120308-00248). As indicated in the attached FCC Form 312, Telesat is amending its modification request for the following purposes:

- (1) to add two additional ESV units to its license -- Intellian V60G and V110;
- (2) to add MSAT-1¹ and MSAT-2 satellites as points of communication;
- (3) to revise further the range of the satellite arc for its 15M antenna in the standard Ku-band band to 106.5° W.L. to permit it to see the MSAT-1 and MSAT-2 satellites;
- (4) to expand the frequency range for the 960KF2D carrier on the 15M antenna (Entry 7 under Section B, "Particulars of Operations" on its current license) to 14000.5-14449.5 MHz in order to support additional TT&C operations for the satellites referenced above; and
- (5) to delete the entry relating to the use of the 12500-12750 MHz band made in its initial modification.

Telesat is revising the instant text to address the issues above, leaving intact the other features that are intended to be carried over from its above-referenced modification application.

II. Previous Licensing of the Subject Antenna

In its above-referenced modification application, Telesat sought authority to operate Azimuth SE125 ESV units. By way of the instant amendment, Telesat is also seeking authority to operate the Intellian V60G and V110 antennas. None of these

¹ MSAT-1 is foreign satellite authorized by Industry Canada. Telesat does not contemplate herein to communicate with MSAT-1 except to provide TT&C services and to perform satellite ranging. Furthermore, the information normally required under 47 C.F.R. § 25.137 and in response to Question 42 for foreign-licensed satellites has already been provided to and approved by the Commission in prior applications, and Telesat hereby incorporates that information by reference. *See, e.g., Applications of SatCOM Systems, Inc., et al.*, 14 FCC Rcd 20798 (1999); *see also In the Matter of Motient Services Inc. and TMI Communications and Company, LP, Assignors, and Mobile Satellite Ventures Subsidiary LLC, Assignee*, 16 FCC Rcd 20469 (2001); *In the Matter of Motient Corporation and Subsidiaries, Transferors, and SkyTerra Communications, Inc., Transferee*, 21 FCC Rcd 10198 (2006).

antennas strictly conforms to the antenna pattern specified in Section 25.209 of the Commission's Rules. However, pursuant to Section 25.218 of the Commission's Rules, an applicant may request routine processing of an application if it can provide documentation indicating that the proposed antenna operations would meet the applicable off-axis EIRP envelope. It is under this rule that Telesat is seeking authority to add these three antennas to its license under Call Sign KA399.

Pursuant to the Part 25 Earth Station *Fifth Report and Order*, the International Bureau was directed to maintain a list of approved non-conforming earth station antennas. Earth station applicants, like Telesat, proposing to use antennas on this list no longer need to attach antenna radiation plots as an exhibit to their applications, as required by section 25.132(b)(3) of the Commission's Rules, 47 C.F.R. § 25.132(b)(3). Rather, applicants need only provide an attachment to their applications citing the particular antennas they plan to use, and an application file number and call sign of a license in which those antennas have been approved. Barring any countervailing considerations, the Bureau will consider granting the application for the non-conforming antennas, providing the applicant proposes the same kinds of services as the operator of the previously authorized antennas under the same or substantially similar operating conditions.

Telesat is herein providing the specific application reference upon which it is relying in order to add the three ESV antennas to its KA399 license. Telesat respectfully requests that the Commission's staff rely upon the following application materials in the instant request for ESV authority:

(1) Azimuth SE-125 ESV antenna

SES-LIC-20111023-01244 (granted 12/23/2011)
SHIP EQUIP, INC.
Call Sign E110148

(2) Intellian V60G ESV antenna

SES-MOD-20120109-00024 (granted 02/29/2012)
Vizada, Inc.
Call Sign WB36

(3) Intellian V110 ESV antenna

SES-MOD-20110629-00765 (granted 03/12/2012)
Vizada, Inc.
Call Sign E890649

Telesat hereby certifies that the antennas will meet the spectral density envelope set forth in Section 25.222(a)(1)-(4) of the Commission's Rules, when the devices are limited to input power levels equal to or less than those identified in Schedule B to the instant application.

III. Waiver of Section 25.222(a) in order to receive in 12500-12750 MHz band

In its above-referenced modification application, Telesat had sought to add receive frequencies to the subject earth station license for various antenna types to communicate with Estrela do Sul 2, inclusive of the use of the 12500-12750 MHz band. The inclusion of that frequency band (and the waiver request that depended upon it) was made in error, as the satellite is not authorized to communicate in the band.

Accordingly, Telesat hereby withdraws the waiver request from its pending application regarding those frequencies and has revised its FCC Form 312 to reflect that it is not seeking receive authority in that band.

IV. Request for Waiver: Waiver of the Use of Bureau's database of non-conforming antennas

The Part 25 Earth Station *Fifth Report and Order* established that the International Bureau would maintain a list of approved non-conforming earth station antennas upon which applicants should rely for using the procedure under Section 25.218. However, the International Bureau's website listing approved non-routine earth station antennas has not been updated to include the referenced antennas and the applications identified above that the Commission granted previously to authorize use of the antennas. Accordingly, Telesat hereby respectfully requests a waiver to accept its use of materials submitted by various applicants that is not reflected in the Bureau's database of non-conforming antennas.

V. Summary and Certifications

The antenna patterns associated with the above-referenced applications exceed the sidelobe specification established in Section 25.209.

Telesat certifies that it will limit its pointing error to 0.5°.

Telesat further certifies that, pursuant to Section 25.222(b)(3) of the Commission's rules, the ESV antennas conform to the gain pattern criteria of 25.209(a) and (b) and that, combined with the input power density entered in Schedule B, the off-axis EIRP spectral density envelope in 25.222(a)(1) through (a)(4) will be met.

Telesat acknowledges that its proposed antennas will be protected from radio interference caused by other space stations only to the degree to which harmful interference would not be expected to be caused to an earth station employing an antenna conforming to the referenced patterns defined in Section 25.209.

For the foregoing reasons, Telesat respectfully requests that the modification application and subsequent amendment to it for new ESV authority be granted.