


Memorandum

February 17, 2017

To: Curtrisha Banks

From: Karl Kensinger 

Deputy Chief, Satellite Division

Subject: File Nos. SES-STA-20170208-00140, SES-MFS-20170109-00015, and SES-AFS-20170208-00139

Please post a copy of this memo and the attached ex parte presentation in the public file for the referenced files.

Pursuant to section 1.1212(d) of the Commission's rules, the attached document is to be considered associated with but not a part of the record in this proceeding.

From: de Dios, Gonzalo [mailto:Gonzalo.deDios@intelsat.com]

Sent: Thursday, February 16, 2017 8:51 AM

To: Olga Madruga-Forti <Olga.Madruga-Forti@fcc.gov>

Cc: Jose Albuquerque <Jose.Albuquerque@fcc.gov>; Crandall, Susan <Susan.Crandall@intelsat.com>

Subject: RE: Argentina

Olga:

I wanted to let you know that Intelsat intends to oppose the requests submitted by AC BidCo LLC for 60 days of Special Temporary Authority to communicate with the ARSAT-2 satellite and to amend its Application for Modification of Blanket License for Operation of Ku-Band Transmit/Receive Earth Stations Aboard Aircraft to add this satellite as an authorized point of communications. The reason for this is to ensure the Argentine government upholds its obligation of reciprocal and prompt treatment of U.S.-licensed satellites seeking authorization to access the Argentine market.

During the process to add the ARSAT-2 satellite to the Commission's Permitted Space Station List, the FCC indicated that there is a rebuttable presumption in favor of entry in considering applications to access to the U.S. market by non-U.S. satellites licensed by WTO members. In that proceeding, ARSAT provided a formal statement from Argentina's Ministry of Communications in which it "promise[d] to give effective treatment to the actions urged by operators belonging [to] WTO member countries." Indeed, the Ministry committed "to take prompt action ... to ensure ... symmetrical treatment to foreign operators, both in its policies and in practice." The FCC, in good faith, took the Ministry at its word and granted ARSAT's petition. Unfortunately, as the FCC is well aware, symmetrical treatment of foreign operators by the Argentine government has yet to materialize and several Intelsat applications to access the Argentine market continue to languish, waiting for Argentina's promised reciprocal and prompt treatment.

Given that the Commission has already granted market access for the ARSAT-2 satellite, the only remaining recourse available to Intelsat for the continued functional denial of market access in Argentina is to object to the use of U.S.-licensed earth stations to serve the U.S. with ARSAT-2 until such time as Argentina satisfies its obligation to accord reciprocal and prompt treatment to U.S.-licensed satellites seeking to serve the Argentine market. Once those obligations have been met, Intelsat would have no further objection to grant of requests to use the ARSAT-2 satellite for U.S. services or in conjunction with U.S. earth stations.

Regards,

Gonzalo

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