

## AMENDMENT OF APPLICATION AND REQUESTS FOR WAIVER

**I. Amendment of Application**

Telesat Network Services, Inc. ("Telesat") is filing the instant amendment to its pending application to modify its existing authorization for Ku-band transmit/receive earth station and earth stations on vessels ("ESV") operations under Call Sign KA399,<sup>1</sup> in order (1) to narrow the requested transmit Ku-band frequencies, (2) to add receive frequency bands to both antennas, (3) to change the EIRP density associated with the SeaTel 2406 antenna, and (4) to seek the waivers noted below.

Telesat herein proposes to limit the transmit frequencies associated with the ESV operations on the two antennas for which it is seeking authority to the 14200-14470 MHz band. Doing so will eliminate the need for coordination with NTIA, pursuant to Sections 25.222(d) and 25.222(e) of the Commission's rules, of its proposed AOR beam operations with NASA's TDRSS facilities. Accordingly, Telesat has also updated the Form 312 associated with this exhibit to reflect this change.

Telesat has also determined that in order for its system to function correctly with its customers utilizing different beams of its satellite, it requires downlink authority for its ESV units in the standard Ku-band receive frequency of 11700-12200 MHz, as well as in the 10950-11200 MHz, 11450-11700 MHz, and 12500-12750 MHz bands. Accordingly, Telesat has also updated the Form 312 associated with this exhibit to reflect this change. In addition, a waiver of the Commission's rules seeking operations in this last band is included in the waiver section below.

Additionally, Telesat is hereby amending its Form 312 to reflect a change in the EIRP density per carrier value associated with the proposed operation of the SeaTel 2406 antenna. Because Telesat is relying upon the antenna radiation plots submitted within a previously-granted application by Intelsat LLC for operation of its own SeaTel 2406 antennas,<sup>2</sup> Telesat herein amends the EIRP density for its antenna to 15.9 dB/4kHz so that it would meet the applicable off-axis EIRP envelope established in Section 25.222 of the Commission's rules and conform to the grant of Intelsat's application.

**II. Requests for Waiver***A. Waiver of the Use of Bureau's database of non-conforming antennas*

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 its

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<sup>1</sup> See File No. SES-MOD-20100513-00590. Telesat initially filed its modification application to add two new antenna types to its already-licensed ESV operations: (1) SeaTel 2406 and (2) SeaTel 6006.

<sup>2</sup> See File No. SES-LIC-20080623-00834, Call Sign E080147.

proposed antenna operations are of the same kind as those of the operator of a previously authorized antenna under the same or substantially similar operating conditions. In connection with that rule, 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.

In its own application, Telesat relied upon above-referenced Intelsat application as well as one submitted by Vizada, Inc.<sup>3</sup> However, the International Bureau's website listing approved non-routine earth station antennas had not yet been updated to include the two referenced antennas and their respective applications. Accordingly, Telesat hereby respectfully requests a waiver to accept, in this one instance, its use of application materials not already reflected in the Bureau's database of non-conforming antennas.

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

Telesat's ESV services are provided using capacity in multiple coverage beams on Telstar 11N (Call Sign S2357). Telstar 11N provides coverage of Europe, the northern Atlantic Ocean, portions of Africa, portions of the Continental United States (CONUS), and the Gulf of Mexico.

By the instant amendment application, Telesat seeks to add receive frequencies to its license for the subject antenna types, inclusive of the use of the 12500-12750 MHz band, which band is required for communication with vessels of U.S. registry as well as to non-U.S. registered vessels travelling in waters around the Telstar 11N Europe and Africa beams. Telesat hereby respectfully requests waiver of Section 25.222(a) to permit it to receive in that frequency band exclusively in the Europe and Africa regions.<sup>4</sup>

Grant of the instant waiver requests is in the public interest in that it will permit the Commission to grant Telesat's pending application and to begin immediately providing service to various customers who rely upon and are awaiting expanded ESV services.

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<sup>3</sup> See SES-MOD-20080310-00256, Call Sign KA313

<sup>4</sup> The Commission previously granted Telesat such a waiver request when it granted a previous modification application for KA399 to operate SeaTel 4003A antennas and SeaTel 4006 antennas. See SES-MOD-20090206-00154.