

## **Exhibit A:**

### **Statement in Support of Media Networks Services USA Inc.'s Amendments to its Application for Transmit/Receive Satellite Earth Station License**

Pursuant to Section 25.116 of the Federal Communications Commission (the “Commission”) Rules,<sup>1</sup> Media Networks Services USA Inc. (“MN USA”) hereby amends its above-captioned Application for Transmit/Receive Satellite Earth Station License filed on February 19, 2013 (the “Application” and the “Amendment”). For purposes of its Amendment, MN USA incorporates by reference the exhibits filed in support of its Application, consisting of Exhibit A – Statement re FAA Notification Exemption; Exhibit B – Radiation Hazard Study; and Exhibit C – Frequency Coordination Report. Also, although MN USA has submitted a complete Main Form 312 and Schedule B as the Amendment, the only substantive difference between the Amendment and the Application is located in Schedule B, Items 43-49 where MN USA clarifies in the Amendment that the specific frequency bands it intends to use are the 18.3–18.8 GHz; 19.7–20.2 GHz; 28.10–28.6 GHz; and 29.5–30.0 GHz frequency bands.

As additional background and support for this Amendment, MN USA states as follows:

1. MN USA filed its Application on February 19, 2013, seeking a license for a transmit/receive satellite earth station that would communicate with U.S.-licensed satellites that are on the Ka-band Permitted Space Station List.<sup>2</sup> On March 20, 2013, the Commission accepted the Application for filing and it was placed on Public Notice.<sup>3</sup>

2. On April 19, 2013, two petitions were filed with the Commission with regard to MN USA’s Application. Specifically, Ob3 Limited (“Ob3”) filed a Petition to Hold in Abeyance

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<sup>1</sup> 47 C.F.R. § 25.116.

<sup>2</sup> Application at 2.

<sup>3</sup> Commission Public Notice Report No. SES-01536 at 2 (March 20, 2013).

Pending Clarification (“Petition to Hold in Abeyance”) requesting, in sum, that the Application be held in abeyance pending an additional submission by MN USA clarifying the Application to the extent it requested use of the 18.8-19.3 GHz, 28.1-28.35 GHz and 28.6-29.25 GHz bands.<sup>4</sup> O3b did not object to the portions of the Application related to the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30.0 GHz bands.<sup>5</sup> In its Petition to Dismiss, Iridium objected to the proposed use of the 19.4-19.6 GHz and 29.1-29.25 GHz bands on the grounds that GSO FSS operations are not provided for in these bands; and to the proposed use of the 29.25-29.3 GHz band on the grounds that MN USA had not made the necessary showing to use the band under Section 25.203(k) of the Commission’s rules.<sup>6</sup> Iridium did not object to any other aspect of the Application.

3. On May 17, 2013, MN USA filed its Response to the O3b and Iridium petitions, in which MN USA stated its intent to amend its Application in a manner that fully resolves the objections stated in both petitions.<sup>7</sup> The Amendment, as described below, resolves the objections stated by O3b and Iridium.

4. In the Petition to Dismiss, Iridium objected to the Application only to the extent it proposed use of the following frequency bands: 19.4–19.6 GHz; 29.1–29.25 GHz and 29.25–29.3 GHz.<sup>8</sup> In the Application, MN USA stated that it proposed to communicate using the Ka band but also loosely identified that band as the 18.3-30.0 GHz band which, strictly speaking,

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<sup>4</sup> Petition to Hold in Abeyance at 1.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> Petition to Dismiss at 3-4.

<sup>7</sup> MN USA Response to Petition to Hold in Abeyance Pending Clarification and Petition to Dismiss (“Response”) (May 17, 2013) at 2.

<sup>8</sup> Petition to Dismiss at 1.

includes certain frequency bands that are not Ka-band spectrum.<sup>9</sup> The Amendment clarifies that MN USA intends to use only the Ka-band spectrum and the 28.10-28.35 GHz band by omitting, among others, the frequency bands identified as objectionable in Iridium's petition. Specifically, the Amendment clarifies that the Application is limited to a request to use only the following frequency bands: 18.3–18.8 GHz; 19.7–20.2 GHz; 28.10–28.6 GHz; and 29.5–30.0 GHz. Accordingly, the sole basis for Iridium's objections has been rendered moot by the Amendment and Iridium's Petition to Dismiss should be denied.

5. Ob3 objected only to the portion of the Application relating to the 18.8-19.3 GHz, 28.10-28.35 GHz and 28.6-29.25 GHz bands.<sup>10</sup> Given the clarification in the Amendment that the Application is limited to a request to use only the 18.3–18.8 GHz; 19.7–20.2 GHz; 28.10–28.6 GHz; and 29.5–30.0 GHz frequency bands, O3b's objection as to the 18.8-19.3 GHz and 28.6-29.25 GHz bands has been resolved. Thus, the remaining objection by O3b is MN USA's proposed use of the 28.10–28.35 GHz band. O3b's objection as to this particular band is that MN USA has not identified the point of communication it intends to use.<sup>11</sup> In response, MN USA hereby states that it intends to have its proposed earth station communicate with **only** those satellites that are authorized by the Commission to communicate with U.S.-based earth stations in that band. In particular, MN USA intends to have its proposed earth station communicate with the Amazonas-3 satellite<sup>12</sup> as the sole point of communication for the 28.10–28.35 GHz

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<sup>9</sup> Application at 2 and 6.

<sup>10</sup> O3b Petition at 3.

<sup>11</sup> *Id.* at 2, Point 1.

<sup>12</sup> The Amazonas 3 satellite is licensed in Brazil to Hispamar Satelites, S.A. ("Hispamar"), is located at the 61 degrees W.L. orbital slot and has a request pending for inclusion on the FCC's Ka band Permitted List. *See File No. SAT-MPL-20130319-00049 Hispamar Satelites, S.A. Modified Petition for Declaratory Ruling to Add Amazonas-3 Satellite at 61° W.L. to the Commission's Ka-band Permitted Space Station List.*

frequency band if and when the Commission includes that satellite in the Ka band Permitted List or otherwise authorizes it for “market access” to the U.S. for Ka band purposes, subject to the conditions described below.<sup>13</sup> Given the foregoing, the Amendment fully resolves each of the objections raised in O3b’s Petition to Hold in Abeyance and the petition should be dismissed.

6. In addition to the foregoing matters related to the O3b and Iridium petitions, MN USA addresses four issues relevant to its Application, as amended.

7. Identification of Amazonas-3 Satellite: As stated in paragraph 5 above, MN USA intends to use the Amazonas-3 satellite as a point of communication using the 28.10-28.35 GHz band if and when the Commission includes that satellite in the Ka band Permitted List or otherwise authorizes it for “market access” to the U.S. for Ka band purposes. However, to be clear, the Application, as amended, does not formally identify or request individual authority to use Amazonas-3 as a point of communication currently. MN USA’s identification of Amazonas-3 as a point of communication in the 28.10-28.35 GHz band is provided solely in response to O3b’s Petition to Hold in Abeyance in order to address Ob3’s concerns regarding unqualified use of that band by MN USA’s proposed earth station. Amazonas-3 is not U.S.-licensed, is not currently listed on the Commission’s Ka band Permitted List and has not been granted market access in the United States. Thus, the satellite is not within the scope of the Application, as amended, requesting blanket authority to communicate with domestic satellites and satellites on the Ka band Permitted List. If the Commission ultimately adds Amazonas-3 to the Ka band Permitted List (and MN USA’s amended Application is granted), then MN USA intends to use Amazonas-3 as a point of communication using the 28.10-28.35 GHz frequency band on

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<sup>13</sup> MN USA acknowledges that the Amazonas-3 satellite has not been licensed by the Commission to provide services in the Ka band in the United States. MN USA addresses that issue below.

whatever basis permitted by the Commission.<sup>14</sup> In short, MN USA hereby confirms that its Application, as amended, is limited to domestic satellites and satellites listed on the Ka band Permitted List and acknowledges that it will not use Amazonas-3 as a point of communication until the satellite is added to the Ka Band Permitted List, or in the event MN USA is otherwise granted authority by the Commission to use Amazonas-3 as a point of communication on account of a subsequent application or request.

8. Request for Authority to Operate in the 28.10-28.35 GHz Band: In addition to the “Ka band” frequencies consisting of the 18.3–18.8 GHz; 19.7–20.2 GHz; 28.35–28.6 GHz; and 29.5–30.0 GHz bands, the Application includes a request to use the 28.10-28.35 GHz band. MN USA acknowledges that its proposed use of the 28.10-28.35 GHz band must be on a secondary basis to Local Multipoint Distribution Service (LMDS) stations per Commission Rule 25.202(a)(1).<sup>15</sup> MN USA submits that its proposed use of the 28.10-28.35 GHz band will not cause harmful interference to currently-licensed LMDS stations. A Comsearch Frequency Coordination Report was filed as Exhibit C to MN USA’s Application and is incorporated here by reference. As stated in the report, Comsearch sent prior notification letters to 28 GHz LMDS licensees on two occasions alerting the licensee’s of MN USA’s proposed use of the 28.10-28.35 GHz band at its proposed Laredo, TX earth station and that no objections were received from the LMDS incumbents.<sup>16</sup> Also, MN USA acknowledges that it may not claim protection from

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<sup>14</sup> MN USA notes that Hispamar’s request for inclusion of Amazonas-3 on the Ka-band Permitted List identifies use of this band on a secondary basis. *See File No. SAT-PPL-20121018-00183 Hispamar Satellites, S.A. Petition for Declaratory Ruling to Add Amazonas-3 Satellite at 61° W.L. to the Commission’s Ka-band Permitted Space Station List, Completed Schedule S Attachment, Section 25.114(c) Technical Information at 2-3* (stating that authority is sought to use the 28.1-28.35 GHz band “to support gateway uplink operations on a secondary basis”).

<sup>15</sup> 47 C.F.R. § 25.202(a)(1) (designating FSS secondary to LMDS in 27.5-28.35 GHz band).

<sup>16</sup> *See* Application Exhibit C (Frequency Coordination Report) at 2; *see also id.* at 1 (stating that notification to LMDS incumbents “was performed under the assumption that the earth station would be operating on a secondary basis to LMDS [27.50-28.35 GHz band] operations”).

authorized LMDS stations in the 28.10-28.35 GHz band presently assigned, or that may be assigned these frequencies in the future, and that MN USA will cease operations upon notification of interference from authorized LMDS stations. Accordingly, MN USA requests that it be authorized to use the 28.10-28.35 GHz frequency band on a secondary basis to LMDS stations under the conditions stated above.

9. Compliance with Commission Rule 25.138: Because MN USA is seeking a blanket earth station license in the Geostationary Orbit (GSO) Fixed Satellite Service (FSS) in the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30.0 GHz bands, MN USA hereby certifies that its proposed operations at the Laredo, TX earth station will comply with the requirements set forth in Commission Rule 25.138.

10. Amended Application Does Not Constitute a “Major” Amendment: Commission Rule 25.116(b) states that “major” amendments are subject to the public notice requirements of Rule 25.151 and identifies four circumstances in which an amendment would be deemed “major.” Of the four, only the circumstance identified in Rule 25.116(b)(1) is relevant to the Application, as amended, but is nevertheless inapplicable here. Rule 25.116(b)(1) states, in relevant part, that an amendment is major if it “increases the potential for interference, or changes the proposed frequencies . . . to be used.” The Application, as amended, does not increase the potential for interference, nor change the proposed frequencies because, as clarified in the Amendment, each of the subject frequencies were included within the scope of the initial Application. In response to Item E43/44 of the Application Form 312 Schedule B, MN USA identified its intended use of the 18.30-20.20 GHz frequency band for space to earth transmission and the 28.10-30.00 GHz band for earth to space transmissions.<sup>17</sup> Similarly, in response to Item

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<sup>17</sup> Application at 6.

E52/53, MN USA identified the 18.30-30.00 GHz bands as the scope of frequencies that had been coordinated.<sup>18</sup> The Amendment does not add any new frequencies to those identified in the Application, but merely clarifies the particular frequency bands for which it seeks authority to use (i.e., 18.3–18.8 GHz and 19.7–20.2 GHz for space to earth transmissions and 28.10–28.6 GHz and 29.5–30.0 GHz for earth to space transmissions). Also, such clarification does not increase the potential for interference because the frequencies clarified in the Amendment were included in the initial Application. If anything, clarification of the frequencies being requested, and the resulting elimination of certain frequencies, decreases the potential for interference posed by the Application. Accordingly, the changes contained in the Amendment are not “major” and are therefore not subject to the public notice requirements of Rule 25.151.

For the foregoing reasons, MN USA requests that the Commission deny the petitions filed by Iridium and O3b and that its Application, as amended, be granted.

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<sup>18</sup> *Id.*