

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
PANAMSAT LICENSEE CORP.)	SES-LIC-20030113-00042
)	Call Sign E030020
Application for Authority to Operate)	
a Fixed-Satellite Service Earth Station)	

ORDER AND AUTHORIZATION

Adopted: January 4, 2005

Released: January 4, 2005

By the Deputy Chief, Satellite Division, International Bureau

Introduction

1. In this Order, we authorize PanAmSat Licensee Corp. (PanAmSat) to operate a new fixed-satellite earth station in Napa, California that will communicate with all satellites on the Commission's Permitted Space Station list. We deny that portion of the application, however, that seeks to transmit a specific telecommand signal to Japan's Horizon I satellite. Grant of the application will serve the public interest by maximizing PanAmSat's ability of to serve its customers.

Background

2. PanAmSat proposes to operate its earth station to communicate with all satellites on the Permitted List, including the Horizons I satellite licensed by Japan's Ministry of Public Management, Home Affairs, Posts and Telecommunications (MPHPT). Horizons I is the 11.7-12.2 GHz/14.0-14.5 GHz (Ku-band) payload aboard the Galaxy XIII satellite at the 127° W.L. orbit location. MPHPT issued Horizons a provisional license for Horizons I with the understanding that a final license would be issued once Horizons provided proof of successful communications from the 127° W.L. orbital location. In adding Horizons I to the Permitted Space Station List in 2003, the Commission required that Horizons submit a copy of the final license within 15 days of its issuance¹. The first successful Horizons I communication from the 127° W.L. orbital

¹ Horizons Satellite, LLC, *Order*, 18 FCC Rcd 24745 (Satellite Division 2003).

location occurred on December 22, 2003. MPHPT issued a final license on December 25, 2003 and Horizons submitted the license to the Commission on December 29, 2003.²

3. New Skies Satellites N.V. (New Skies) filed a Petition to Deny the PanAmSat's application insofar as it seeks authority to communicate with Horizons I because the stated emission designators in the earth station application are inconsistent with the Japanese license.³

Discussion

4. We find that grant of PanAmSat's application will serve the public interest by maximizing its ability to provide service to its customers. Nevertheless, we grant, in part, New Skies's petition. According to New Skies, the Japanese license issued to Horizons specifies the types of emissions authorized for the satellite's operations in the 11.7-12.2 GHz band.⁴ It states that the license lists seven types of authorized carriers, which can be divided into three categories: analog, digital, and beacons.⁵ Aside from the beacons, New Skies points out that all of the emissions are wideband carriers occupying bandwidths of at least 27 megahertz and most would occupy the full bandwidth of a standard 36 megahertz transponder. New Skies argues that the license limits the operation of the communications carriers to single carrier per transponder.⁶ New Skies maintains that PanAmSat has sought authorization for an earth station that would communicate with Horizons I with a different set of emissions characteristics than those authorized by Japan's MPHPT.⁷ Specifically, New Skies states that of the six emission designators listed in PanAmSat's earth station application, only two are for full-transponder services for a standard 36 megahertz transponder. The other four emission designators anticipate carriers with a bandwidth of 18 megahertz, 3 megahertz, 750 kilohertz, and as little as 64 kilohertz—approximately 0.2% of the bandwidth of the smallest carrier authorized in the satellite license.

² See Letter from Joseph Godles, Esq., Attorney for Horizons to Marlene Dortch, Secretary, FCC (December 29, 2003).

³ We do not address here New Skies's challenge to the sufficiency of the Japanese license and its claim that New Skies has ITU date priority with regard to the use of the 11.7-12.2 GHz frequencies at 127° W.L. We addressed those issues in the Order that added the Horizons I satellite to the Space Station Permitted List. Horizons Satellite LLC, 18 FCC Rcd 24749.

⁴ Letter from William M. Wiltshire, Esq., Counsel for New Skies, N.V., to Marlene Dortch, Secretary, FCC (April 16, 2003).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

5. PanAmSat states that under applicable Japanese regulations,⁸ an emission designator in a satellite station license permits other emissions of the same type so long as the occupied bandwidth is narrower than the bandwidth specified in the license.⁹ Moreover, PanAmSat states that international and Commission regulations allow similar flexibility.¹⁰

6. We find that, while the emission designators on the Horizons I license differ from those listed in PanAmSat's application, they are not inconsistent with Commission rules. Specifically, Section 25.275(c) of the Commission's rules provides that: "Unless otherwise specified in the station authorization, the licensee is authorized to transmit any other type of carrier not specifically listed which does not exceed the highest Equivalent Isotropically Radiated Power (e.i.r.p.) density and bandwidth prescribed for any listed emission."¹¹ Thus, operation of carriers with bandwidths and e.i.r.p. densities of less than those provided are acceptable. International regulations also allow for changes that do not increase the probability of harmful interference.¹² Accordingly, in the 11.7-12.2 GHz band, the licensee is authorized to operate with emissions that do not exceed the maximum e.i.r.p. and e.i.r.p. densities authorized in the Horizons I license, that is, do not exceed a bandwidth of 35M9F8W for analog video service and do not exceed 35M9G7W and 35M9G7D for digital carriers. With one exception, PanAmSat has shown that the carriers in question are to be operated within the envelope of the licensed emissions. Specifically, the transmit and receive emission designator 750KF2D, which is a telecommand signal, exceeds the maximum e.i.r.p. densities specified in the Horizons I license. Consequently, PanAmSat may not transmit and receive emission 750KF2D via Horizons I. In all other respects, we conclude that PanAmSat's earth station application is consistent with the satellite's license.

Ordering Clauses

7. Accordingly, IT IS ORDERED that the Horizons I application, File No. SES-LIC-20030113-00042, IS GRANTED in part and DENIED in part and PanAmSat Licensee Corp. is authorized to operate a new 9.3 meter fixed-satellite earth station in Napa, California (Call Sign E030020) and to communicate in the 11.7-12.2 GHz and 14.0-14.5 GHz bands with all U.S. licensed space stations and all other satellites on the permitted list in accordance with the technical parameters set forth in its application.

8. IT IS FURTHER ORDERED that PanAmSat Licensee Corp. is not authorized to transmit and receive emission 750KF2D via Horizons I. In the 11.7-12.2 GHz band,

⁸ MPHPT ordinance for the radio station licensing procedure rules, Article 23, Item (1) (c).

⁹ Letter from Henry Goldberg, Esq., Counsel for PanAmSat, to Marlene H. Dortch, Secretary, FCC (April 30, 2003).

¹⁰ *Id.* (citing ITU Radio Regulation No. 11.43B and 47 C.F.R. §§ 25.114(c)(4) and 25.275(c)).

¹¹ 47 C.F.R. § 25.275(c).

¹² ITU Radio Regulation 11.43B.

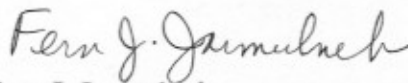
the licensee is only authorized to operate with emissions that do not exceed the maximum e.i.r.p. and e.i.r.p. densities authorized in this license, that is, do not exceed a bandwidth of 35M9F8W for analog video service, and do not exceed 35M9G7W and 35M9G7D for digital carriers.

9. IT IS FURTHER ORDERED that the maximum downlink e.i.r.p. density of the digital carrier shall not exceed +6.0 dBW/4 kHz.

10. IT IS FURTHER ORDERED that New Skies's petition to deny, as supplemented by its letter dated April 6, 2003, IS DISMISSED in part and GRANTED in part.

11. This Order is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the release of this order (see 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION



Fern J. Jarmulnek
Deputy Chief, Satellite Division
International Bureau