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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of

SWE-DISH SATELLITE COMMUNICATIONS, INC.

Front Office

Application for Earth Station Authority  
In the Fixed-Satellite Service

) File No. SES-LIC-20030910-01236  
) E030197  
)

PETITION TO DENY OF PANAMSAT CORPORATION

PanAmSat Corporation ("PanAmSat"), by its attorneys, hereby petitions to deny the above-referenced application ("Application") of Swe-Dish Satellite Communications, Inc. ("Swe-Dish").<sup>1</sup> Swe-Dish seeks authority to use a non-standard antenna, and its Application is therefore not eligible for routine processing. PanAmSat is concerned that Swe-Dish's proposed operations could interfere with operations on adjacent satellites, including adjacent satellites operated by PanAmSat,<sup>2</sup> and Swe-Dish has not satisfied its obligation to demonstrate that its non-standard antenna will not cause "unacceptable levels of interference."<sup>3</sup> At a minimum, therefore, Swe-Dish should be required to demonstrate, prior to the grant of any license, that all satellite operators that will communicate with its proposed earth station have coordinated with PanAmSat.

<sup>1</sup> See Public Notice, Report No. SES- 00535, Sept. 24, 2003.

<sup>2</sup> Swe-Dish has requested authority on an "ALSAT" basis, as a result of which it would be possible to use Swe-Dish's proposed earth station to communicate with numerous satellites that are adjacent to satellites in PanAmSat's fleet.

<sup>3</sup> See 47 C.F.R. § 25.209(f).

## DISCUSSION

Swe-Dish seeks ALSAT authority to operate a 0.66-meter transportable Ku-band transmit/receive fixed-satellite service ("FSS") antenna.<sup>4</sup> Swe-Dish proposes to use its antenna to provide an IP gateway for applications such as digital video newsgathering, Internet connections, or other broadband applications.<sup>5</sup>

Section 25.209(f) of the Commission's rules<sup>6</sup> establishes special procedures for earth stations not conforming to the performance standards set forth in Sections 25.209(a) and (b).<sup>7</sup> The Commission will not routinely authorize such nonconforming earth stations absent "a finding ... that unacceptable levels of interference will not be caused under conditions of uniform 2° orbital spacings."<sup>8</sup>

Swe-Dish acknowledges that, between 1.25 degrees and 1.7 degrees, its proposed 0.66 meter antenna does not comply with the antenna gain patterns required in Sections 25.209(a) and (b) of the Commission's rules, and requests a waiver of those rules.<sup>9</sup> In support of its waiver request, Swe-Dish states that it "will conform to all necessary coordination . . . to ensure no interference is caused from or into" other satellite networks, including PanAmSat networks.<sup>10</sup>

Although in connection with this statement Swe-Dish attached a letter from PanAmSat, that letter in no way establishes that there has been "all necessary coordination." To the contrary, the letter addresses whether Swe-Dish's earth station

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<sup>4</sup> See Application FCC Form 312 at Item 43 and Schedule B ("Points of Communication").

<sup>5</sup> *Id.* at Exhibit B ("System Description").

<sup>6</sup> 47 C.F.R. § 25.209(f).

<sup>7</sup> 47 C.F.R. § 25.209(a) and (b) (defining the required antenna performance standards for gain and off-axis cross polarization gain of any antenna employed in transmission from an earth station to a space station in the FSS).

<sup>8</sup> *Id.*

<sup>9</sup> See Application at Item 35, Item E15, and Exhibit C ("Waiver Request").

<sup>10</sup> *Id.* at Exhibit C. Swe-Dish also acknowledges that, as a result of having a non-compliant antenna, its network will receive "limited protection" "as specified in FCC rules 25.209." *Id.* See also 47 C.F.R. § 25.209.

may be used to communicate with PanAmSat's satellites, not whether it may be used to communicate with satellites that are adjacent to PanAmSat's satellites, and even as to the former the letter makes clear that "final access to PanAmSat satellites may require ... adjacent satellite coordination."<sup>11</sup> No adjacent satellite operator has approached PanAmSat, much less coordinated with it, concerning communications via Swe-Dish's proposed earth station.

It is essential that coordination be completed prior to licensing especially where, as is the case here, the potential for harmful interference is high. PanAmSat knows from past experience that eliminating a source of interference can be costly and time-consuming for customers, services providers, and satellite operators.

Accordingly, Swe-Dish's Application should not be granted unless adjacent satellite operators serving as points of communication for Swe-Dish have coordinated with PanAmSat, thereby ensuring that unacceptable levels of interference will not be caused to PanAmSat's satellites under conditions of uniform 2° orbital spacing. Consistent with Commission policy, moreover, Swe-Dish should be required to demonstrate that coordination has been successfully completed by filing appropriate affidavit(s). PanAmSat has no objection to a grant following completion of frequency coordination and the submission of the proper documentation.

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<sup>11</sup> Letter, dated September 9, 2003, from Mohammad Marashi, PanAmSat, to Shahnaz Ghavami, FCC, attached to Waiver Request.

CONCLUSION

For the foregoing reasons, the Commission should deny Swe-Dish's Application unless coordination with PanAmSat has been successfully completed.

Respectfully submitted,

PANAMSAT CORPORATION

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October 24, 2003

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by first-class mail, postage prepaid, this 24th day of October 2003 to the following:

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/s/ Julie Read

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