

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JAN 26 2004

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SWE-DISH SATELLITE COMMUNICATIONS,
INC.

) File No. SES-LIC-20030910-01236

) Call Sign: E030197

Application for Earth Station Authority
In the Fixed-Satellite Service

Int'l Bureau

JAN 27 2004

CONDITIONAL WITHDRAWAL OF PETITION TO DENY OF PANAMSAT
CORPORATION

PanAmSat Corporation ("PanAmSat"), by its attorneys, hereby conditionally withdraws its Petition to Deny ("Petition") the above-referenced application ("Application") of Swe-Dish Satellite Communications, Inc. ("Swe-Dish").¹ For reasons that are discussed below, PanAmSat does not object to a grant of the Application to the extent it is subject to the understandings memorialized in the attached letter ("Engineering Statement").

Swe-Dish is a subsidiary of the company that manufactures the transportable earth station that is the subject of the Application. PanAmSat petitioned to deny the Application because Swe-Dish's proposed operations, which involve the use of a non-standard antenna, could interfere with transmissions on adjacent satellites operated by PanAmSat.² PanAmSat asked, therefore, that the Application not be granted until the adjacent satellite operators serving as points of communication for Swe-Dish had coordinated with PanAmSat.

¹ See Public Notice, Report No. SES- 00535, Sept. 24, 2003.


² Swe-Dish had 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 multiple satellites that are adjacent to satellites in PanAmSat's fleet.

After filing its Petition, PanAmSat had discussions with the operators - Loral Skynet and SES Americom - whose satellites are adjacent to PanAmSat's satellites. PanAmSat and the other operators have reached an understanding, which is memorialized in the attached Engineering Statement, as to the conditions under which Swe-Dish's proposed earth station could be used to communicate with their satellites. In particular, the parties have established an informal procedure under which, so long as Swe-Dish's maximum uplink power density does not exceed -16 dBW/4kHz, they will coordinate SweDish's operations on an *ad hoc* basis. Swe-Dish has informed PanAmSat that these procedures are acceptable to it, and PanAmSat has no objection to a grant of Swe-Dish's Application if the grant is conditioned on compliance with the power limits and coordination procedures set forth in the Engineering Statement.

Accordingly, PanAmSat hereby withdraws its Petition, subject to the Commission granting the Application on the basis of the understandings set forth in the Engineering Statement.

Respectfully submitted,

PANAMSAT CORPORATION

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Its Attorneys

January 26, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by first-class mail, postage prepaid, this 26th day of January 2004 to the following:

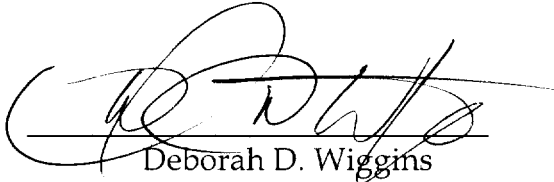
SWE-DISH Satellite Communications, Inc.
Attention: Mr. Pal Ekberg
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Coudert Brothers
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Attention: Ken Ryan, Director, Satellite Engineering
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Maury J. Mechanick
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601 13th Street, N.W.
Washington, D.C. 20005



Deborah D. Wiggins

January 8, 2004

Secretary
Federal Communications Commission
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Subject: Engineering Certification of Loral Skynet, PanAmSat and SES Americom
for Earth Station Application SES-LIC-20030910-01236

To Whom It May Concern:

SWE-DISH Satellite Communications, Inc. ("SWE-DISH"), in its application, SES-LIC-20030910-01236, seeks Commission authorization to operate its 66x90 cm. Ku band antenna with a selection of FCC authorized satellites operated by the undersigned.

SWE-DISH seeks a waiver of the requirements of § 25.209. In support of this request, SWE-DISH has asked the satellite operators to establish coordination agreements, among them, to accommodate operation of SWE-DISH's non-compliant antenna.¹ This letter documents the coordination agreement that the satellite operators have reached.

In previous instances where such coordination agreements have been required, the operator of the "target satellite" assigned dedicated bandwidth to its customer's application and that satellite operator coordinated potential interference from a defined portion of spectrum. That is not the case here. SWE-DISH seeks to access capacity on several satellites on an "occasional use" basis, that is, access satellite capacity based on its capacity needs and the capacity available at the time of the request. In such circumstances, it would be a costly and inefficient use of the spectrum for satellite operators to reserve occasional use capacity, coordinate use of that capacity with the SWE-DISH antenna, and keep that capacity fallow on the chance that such use may be required, from time-to-time.

The satellite operators have each conducted independent analysis of potential interference from the subject antenna and are concerned that if license authority is granted, without conditions, other users of satellite capacity may receive harmful levels of interference when the SWE-DISH antenna is transmitting.

¹ Swe-Dish application, Exhibit C

Because of the occasional nature of transmissions from this antenna, however, the operators support the grant of this application if the Commission incorporates the following conditions in the authorization:

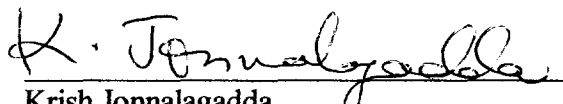
- That the maximum uplink power density shall not exceed -16 dBW/4kHz.
- The SWE-DISH antenna shall not transmit until the target satellite operator has contacted the adjacent satellite operators to secure their approval of such operations. This will ensure that the proposed operations will not cause unacceptable interference to existing customer services. Operators shall negotiate in good faith to secure the necessary approvals for operation of the non-compliant antenna.

These conditions should be in addition to those that already apply to the operation of non-compliant antennas.

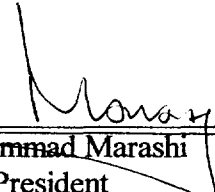
The satellite operators recognize that, in the future, this type antenna could be used in customer networks that have been assigned bandwidth at specific frequencies. Individual coordination agreements for use of the SWE-DISH antennas in customer networks will be coordinated on a case-by-case basis.

For:

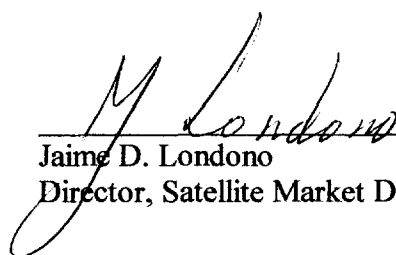
Loral Skynet


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Shahanaz Ghavami (FCC)
Mike Creamer (Swe-Dish)