

ORIGINAL

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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JUN 15 2007

Federal Communications Commission
Bureau / Office

In the Matter of:)
)
SES Americom, Inc.)
)
Application for Authority to Provide)
Earth Station on Vessels Services In)
The Ku-band)
)
Request for Waiver of Sections 25.222(a))
(6) & (7) of the Commission's Rules)

File No. SES-LIC-20070504-00563

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JUN 20 2007

Satellite Division
International Bureau

To: The International Bureau

COMMENTS OF SEA TEL, INC.

Sea Tel, Inc. ("Sea Tel"), by its attorneys, hereby submits these Comments regarding the above-referenced application of SES Americom, Inc. ("SES Americom").¹ In its application, SES Americom proposes an earth stations on vessels ("ESV") network that does not meet the pointing accuracy requirements contained in Sections 25.222(6) and (7) of the Commission's rules. Its application includes a request for waiver of these pointing accuracy requirements. As explained herein, Sea Tel believes that waiving these requirements, as SES Americom requests, would be both unnecessary and premature.

SES Americom proposes the use of ESV remote antennas with a pointing error of up to 0.6°, and antenna transmissions that will cease within 100 milliseconds when the pointing error

¹ Sea Tel is a leading manufacturer of shipboard stabilized antenna platforms. The more than 20,000 Sea Tel antennas installed worldwide provide highly reliable C- and Ku-band satellite communications to commercial and private vessels, military ships and off-shore oil rigs under all types of operational conditions.

exceeds 1.0° and not resume until the pointing error is less than 0.6°.² SES maintains that while these parameters violate the pointing accuracy requirements of Sections 25.222(a)(6) and (a)(7) of the Commission's rules that apply to all Ku-band ESV remote antennas, its operations will nevertheless present no threat of unacceptable interference to adjacent satellite operators in a manner contrary to the Commission's two-degree spacing policy.³ For support, SES Americom notes that transmissions from its remote terminals will still comply with the off-axis effective isotropically radiated power ("e.i.r.p.") density mask set forth in Section 25.222 of the Commissions rules.⁴ SES Americom also offers the consent to its proposed ESV service from the operator of the Ku-band satellite located in the orbital position immediately adjacent to the spacecraft with which SES Americom's proposed ESV antennas will communicate.⁵

Sea Tel respectfully submits that SES Americom has not put forward a sufficient justification for a waiver of the pointing accuracy requirements of Section 25.222. SES Americom seeks flexibility in order to implement its ESV service consistent with the intent of the two-degree spacing policy, inferring that equipment that both meets SES Americom's ESV service objectives and complies with the pointing accuracy requirements of Section 25.222 is not available. In fact, equipment that is readily available today both meets the pointing accuracy

² See ESV Application of SES Americom, Inc., File No. SES-LIC-20070504-00563, Exhibit B at 1 (filed May 4, 2007) ("ESV Application"). Section 25.222(a)(6) requires that ESV operations maintain a pointing error of less than 0.2° between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna. Section 25.222(a)(7) requires that all emissions from the ESV automatically cease within 100 milliseconds if the angle between the orbital location of the target satellite and the axis of the main lobe of the ESV antenna exceeds 0.5°, and that transmissions not resume until such angle is less than 0.2°. 47 C.F.R. §§ 25.222(a)(6) & (7).

³ The two-degree spacing policy ensures that earth stations communicating with satellites at two-degree orbital separations do not cause unacceptable interference to other satellite systems. *Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands*, Report and Order, 20 FCC Rcd 674, 682 (2005) ("ESV Order").

⁴ See ESV Application, Exhibit B at 1.

⁵ *Id.* at 7-8.

requirements of the Commission's rules and provides SES Americom with ample operational flexibility.

Specifically, Sea Tel manufactures and markets 0.6 meter diameter ESV antennas. Sea Tel's Model No. 2403 and 2406 antennas meet both the pointing accuracy requirements and the off-axis e.i.r.p.-density provisions in Section 25.222. Clearly, then, it is possible for a small ESV antenna to meet all of the existing regulatory obligations without a waiver.

Contrary to SES Americom's assertion, the off-axis e.i.r.p.-density limits in the rule are not a surrogate for the pointing accuracy requirements. Both have different objectives. The Commission adopted off-axis e.i.r.p.-density rules for ESV earth station transmitters specifically to provide "maximum flexibility" to ESV operators by offering them a wider choice of antennas that may be used to implement service.⁶ The pointing accuracy limitation and restoration requirements, which apply without regard to antenna size and presume that the antenna chosen meets the off-axis e.i.r.p.-density requirements in Section 25.222(a)(1)-(a)(5), are designed to ensure that interference is not caused to adjacent satellites through mispointing, and that once mispointing does cause interference, operation is automatically ceased until the interference is rectified. The limited technical showing supplied by SES Americom in support of its waiver request does not demonstrate that a mispointed antenna of the type proposed will assure adjacent satellites freedom from interference. Because 60 centimeter diameter terminals are commercially available for ESV use, there is no basis upon which the Commission can or should permit a waiver of the requirements of Sections 25.222(a)(6) and (a)(7) to be granted. As a result, SES Americom's waiver request should be denied.

⁶ *ESV Order* at 682. *See also id.* at 718 (declining to impose a minimum antenna size for Ku-band ESVs but requiring maintenance of pointing accuracy in order to protect adjacent fixed-satellite service satellites).

Even if the Commission were to deem the showing that SES Americom provided with its waiver request to be justified, Sea Tel submits that granting the request would be premature, and could prejudice an ongoing rulemaking proceeding. Just last month, the Commission issued a Notice of Proposed Rule Making seeking comments on whether to authorize Vehicle-Mounted Earth Stations (“VMES”) using the licensing of Ku-band ESVs as a regulatory model.⁷ One of the modifications to the ESV model up for comment is a proposal by SES Americom that effectively requests the same relief from the pointing accuracy requirements that the company seeks with its waiver request here.⁸ Sea Tel maintains that if the waiver request is not denied outright as unjustified, action on the instant waiver request should be deferred pending complete consideration of the comments filed by interested parties addressing the merits of SES Americom’s proposed exception to the pointing accuracy requirements. To act on the waiver request before the pointing-accuracy matter is fully considered would put the proverbial cart before the horse. By prudently deferring any action until the VMES rulemaking proceeding has been concluded, the Commission will be in the best possible position to make a fully informed decision concerning the issues raised by SES Americom.

⁷ See *Amendment of Parts 2 and 25 of the Commission’s Rules to Allocate Spectrum and Adopt Service Rules and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service*, Notice of Proposed Rule Making, FCC 07-86, slip op. at ¶ 2 (released May 15, 2007).

⁸ *Id.* at ¶ 52 (proposing the adoption of an exception to Sections 25.222 (6) and (7) where the VMES applicant (i) is able to demonstrate that its proposed system complies with the off-axis e.i.r.p.-density limits set out in Section 25.222(a), notwithstanding its failure to comply with the specified antenna pointing accuracy requirements, and (ii) obtains and submits affidavits from potentially affected satellite operators agreeing to the applicant’s proposed operations).

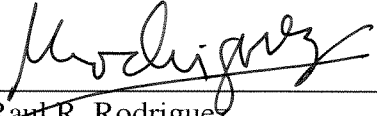
CONCLUSION

For the foregoing reasons, the Bureau should deny SES Americom's waiver request or, at a minimum, defer action on it pending completion of the consideration of the same issue in the newly-initiated VMES rulemaking proceeding.

Respectfully submitted,

SEA TEL, INC.

By: _____


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June 15, 2007

Its Attorneys

TECHNICAL CERTIFICATE

I, Richard Stallbaum, Senior Vice President, Global Sales and Marketing, of Sea Tel, Inc. hereby certify, under penalty of perjury, that I am familiar with Part 25 of the Commission's rules, that I am a technically qualified person, and that I have either prepared or reviewed the technical information submitted in the foregoing Comments of Sea Tel, Inc., and found it to be complete and accurate to the best of my knowledge and belief.

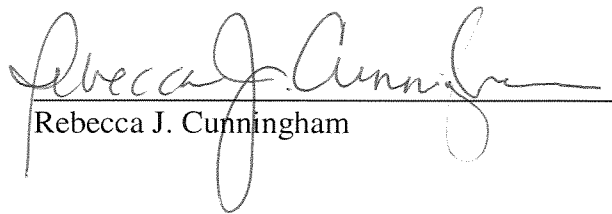
By: /s/ Richard Stallbaum
Richard Stallbaum

Dated: June 14, 2007

CERTIFICATE OF SERVICE

I, Rebecca J. Cunningham, hereby certify that a true and correct copy of the foregoing Comments of Sea Tel, Inc. was sent by first-class, postage prepaid mail, this 15th day of June, 2007, to the following:

James Barker
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Rebecca J. Cunningham