



File # SAT-PDR-20161130-00124

Call Sign S2987 Grant Date 04/25/17
(or other identifier)

From 04/25/17 Term Dates see
To: conditions

Approved: Stephen J. Duall

Approved by OMB
3060-0678

Date & Time Filed: Nov 30 2016 5:36:16:133PM
File Number: SAT-PPL-20161130-00124
Callsign/Satellite ID: S2987

*with conditions

Stephen J. Duall
Chief Satellite Policy Branch


APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	FCC Use Only
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Petition for Declaratory Ruling to be Added to the Permitted List

1-8. Legal Name of Applicant			
Name:	ABS Global Ltd.	Phone Number:	(310) 378-9558
DBA Name:		Fax Number:	
Street:	O'Hara House, 3 Bermudiana Road	E-Mail:	
City:	Hamilton	State:	
Country:	Bermuda	Zipcode:	-
Attention:	Arlene Kahng		

ATTACHMENT TO GRANT
ABS Global Ltd.
IBFS File No. SAT-PDR-20161130-00124

IBFS File No(s):	SAT-PDR-20161130-00124 ¹	<p>GRANTED – With Conditions</p>  <p>International Bureau Satellite Division</p>
Licensee/Grantee:	ABS Global Ltd.	
Call Sign:	S2987	
Satellite Name:	ABS-3A	
Orbital Location: (required station-keeping tolerance)	3.0° W.L. (± 0.05 degrees)	
Administration:	Russian Federation/Intersputnik (ITU) ² Papua New Guinea (UN Registration) ³	
Nature of Service:	Fixed-Satellite Service (FSS)	
Scope of Grant:	Grant of U.S. market access, including the addition of the ABS-3A space station to the Commission's Permitted Space Station list in the conventional and extended C- and Ku-bands for FSS	
Service Area(s):	North and South America and the Caribbean. See Sched S Tech Report and Engineering Statement at Section 6.0 and Exhibits 5A-1 through 5A-12	
Frequencies:	3700-4200 MHz (space-to-Earth) 5925-6426 MHz (Earth-to-space) 10.95-11.2 GHz (space-to-Earth) 14.0-14.25 GHz (Earth-to-space) Tracking, telemetry and command frequencies: 4197.0 MHz and 4194.5 MHz (space-to-Earth) 6420 MHz and 6425 MHz (Earth-to-space)	
<p>Unless otherwise specified herein, operations under this grant must comport with the legal and technical specifications set forth by the applicant or petitioner and with Federal Communication Commission's rules not waived herein. This grant is also subject to the following conditions:</p> <ol style="list-style-type: none"> 1. This grant does not include the provision of any Direct-to-Home (DTH) service, Direct Broadcast Satellite (DBS) service, or Digital Audio Radio Service (DARS) to, from, or within the United States.⁴ 		

¹ The application was placed on Public Notice as accepted for filing on January 27, 2017. *See Policy Branch Information, Satellite Space Applications Accepted for Filing*, Public Notice, Report No. SAT-01211, (SAT-PDR-20161130-00124). ABS subsequently filed and erratum to this application. *See Letter from Phillip L. Spector, Counsel for ABS Global Ltd. to the FCC* (filed December 8, 2016). Intelsat filed a comment to this application. *See Letter from Susan H. Crandall, Associate General Counsel, Intelsat Corporation to Marlene H. Dortch, Secretary, FCC* (filed Feb. 21, 2017).

² ABS states that it is "authorized to utilize the relevant frequencies at the specified orbital location by the Government of the Russian Federation." It also states that the Russian Federation has filed appropriate notification documents with the International Telecommunication Union (ITU) relating to the frequencies and orbital location of ABS-3A. Application Narrative at 2. We note that the ITU filings by the Russian Federation were made "on behalf of" Intersputnik, an Intergovernmental Organization (IGO). Accordingly, the market access request for ABS-3A is considered under the analysis for IGOs other than INTELSAT or INMARSAT. *See Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, Report and Order, 12 FCC Rcd 24094 at para. 128 (1997)(DISCO II Order) (declining to apply an ECO-Sat test to such IGOs and presuming that entry by these entities is procompetitive, subject to imposition of conditions or denial if grant would pose a risk to competition in the U.S. satellite market).

³ See condition 2 of this grant document. *See Letter from Phillip Spector, Counsel for ABS, to Jose Albuquerque, Chief, Satellite Division, dated Mar. 30, 2017*

⁴ With respect to DBS and DTH, this condition excludes from the scope of this market access grant those services specified in Section 25.701(a)(1)-(5) of the Commission's rules. 47 CFR § 25.701(a)(1)-(5).

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2. This grant is based on ABS's statement that the Papua New Guinea authorities will register the ABS-3A space object with the United Nations.⁵ This representation is a material consideration for this grant of market access. ABS is requested to submit written confirmation that appropriate registration documents have been filed with the United Nations Office of Outer Space Affairs within 10 days after filing, or to report the status of document preparation not later than six months from grant of market access (*i.e.*, October 25, 2017). Failure to register the ABS-3A space object may render the grant of market access void, or subject the grant to further conditions.
3. ABS must maintain its ABS-3A space station with an east/west longitudinal station-keeping tolerance of $\pm 0.0.5$ degrees of the 3° W.L. orbital location.
4. Communications between U.S.-licensed earth stations and the ABS-3A space station must comply with all existing and future space station coordination and operator-to-operator agreements reached between the Russian Federation, on behalf of Intersputnik, and other administrations. In the absence of a coordination agreement, such communications must comply with applicable provisions of the ITU Radio Regulations as the Commission cannot guarantee the success of the required coordination.
5. ABS's request for waiver of the requirement to employ state-of-the-art full frequency reuse either through the use of orthogonal polarizations within the same beam and/or the use of spatially independent beams pursuant to Section 25.210(f) of the Commission's rules, 47 CFR § 25.210(f) with respect to the 10.95–11.2 GHz and 14.0–14.25 GHz frequency bands is GRANTED. The purpose of the rule is to ensure that space stations maximize the use of the spectrum. ABS asserts that a waiver is justified since ABS-3A is an existing, operational satellite and that these frequency bands are also used on the satellite to provide service to regions outside of the Americas. Although we do not agree that the provision of service outside of the Americas justifies a waiver of the Commission's full frequency reuse requirement, we grant a waiver to allow the access to ABS-3A in the 10.95–11.2 GHz and 14.0–14.25 GHz frequency bands, subject to the condition that this grant of market access is not mutually exclusive with any subsequent applications or requests for U.S. market access in these bands in the opposite polarization than that use by ABS-3A. This condition will assure that granting market access to ABS-3A will not impede maximum spectrum use in these bands.
6. ABS's use of the 10.95-11.2 GHz (space-to-Earth) frequency band is limited to international operations in accordance with footnote NG52 to the United States Table of Frequency Allocations, 47 CFR 2.106, NG52.
7. ABS's use of the 10.95-11.2 GHz (space-to-Earth) frequency band is subject to footnote US211 to the United States Table of Frequency Allocations, 47 CFR § 2.106, US211, which urges applicants for airborne or space station assignments to take all practicable steps to protect radio astronomy observations in the adjacent bands from harmful interference, consistent with footnote US74.
8. The operations of ABS-3A to and from the United States and associated earth stations must comport with the applicable uplink and downlink limits in 47 CFR § 25.140(a)(3) of the Commission's rules, unless ABS coordinates any non-conforming operations with the operations of U.S.-licensed geostationary orbit space stations within 6 degrees of the 3° W.L. orbital location. ABS-3A must also comport with the maximum power limits indicated in its application, unless other levels have been successfully coordinated and notified to the FCC. Non-conforming operations must also be coordinated with respect to those operations of non-U.S.-licensed space stations within 6 degrees of 3° W.L. involving approved communications with U.S.-licensed earth stations.
9. This grant of market access will terminate in the event that the ABS-3A space station is relocated from the 3° W.L. orbital location or ceases to operate. In either case, ABS-3A will be removed from the

⁵ See *supra* note 3.

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Permitted List. If ABSs wishes to provide service to the U.S. using another space station, it must file a new application to have that space station placed on the Permitted List.

Licensee/grantee is afforded thirty (30) days from the date of release of this action to decline the grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.

This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 CFR § 0.261, and is effective upon release.

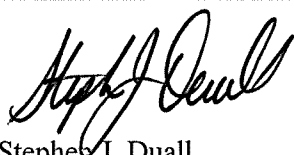
Station licenses are subject to the conditions specified in Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(h).

Action	April 25, 2017
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Date:	
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Term Dates	From: April 25, 2017	To: see conditions
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Approved:



Stephen J. Duall
Chief, Satellite Policy Branch

9-16. Name of Contact Representative

Name:	Phillip L. Spector	Phone Number:	202-835-7540
Company:	Milbank, Tweed, Hadley & McCloy LLP	Fax Number:	202-263-7540
Street:	1850 K Street NW Suite 1100	E-Mail:	pspector@milbank.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20006 -
Attention:	Phillip L. Spector	Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a.
- (N/A) a1. Earth Station
- a2. Space Station

- b.
- b1. Application for License of New Station
- (N/A) b2. Application for Registration of New Domestic Receive-Only Station
- (N/A) b3. Amendment to a Pending Application
- (N/A) b4. Modification of License or Registration
- (N/A) b5. Assignment of License or Registration
- (N/A) b6. Transfer of Control of License or Registration
- (N/A) b7. Notification of Minor Modification
- (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
- b10. Replacement Satellite Application – no new frequency bands
- b11. Replacement Satellite Application – new frequency bands (Not eligible for streamlined processing)
- b12. Petition for Declaratory Ruling to be Added to the Permitted List
- (N/A) b13. Other (Please specify)

17c. Is a fee submitted with this application?

If Yes, complete and attach FCC Form 159.

If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

Governmental Entity Noncommercial educational licensee

Other (please explain): Petition for Declaratory Ruling to be Added to the Permitted List --- no fee required

17c. Fee Classification BNY – Space Station (Geostationary)

18. If this filing is in reference to an existing station, enter:

(a) Call sign of station:

Not Applicable

19. If this filing is an amendment to a pending application enter:

(a) Date pending application was filed:

Not Applicable

(b) File number of pending application:

Not Applicable

TYPE OF SERVICE

<p>20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:</p> <p><input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)</p>	
<p>21. STATUS: Choose the button next to the applicable status. Choose only one. <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier</p>	<p>22. If earth station applicant, check all that apply. Not Applicable</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities: <input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A</p>	
<p>24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s). <input checked="" type="checkbox"/> a. C-Band (4/6 GHz) <input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz) <input checked="" type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: Frequency Upper: (Please specify additional frequencies in an attachment)</p>	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- (N/A) a. Fixed Earth Station
- (N/A) b. Temporary-Fixed Earth Station
- (N/A) c. 12/14 GHz VSAT Network
- (N/A) d. Mobile Earth Station
- e. Geostationary Space Station.
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. Yes No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No
30. Is the applicant an alien or the representative of an alien?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.	

BASIC QUALIFICATIONS

<p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes. Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43. Yes No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station? Russian Federation

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

ABS is requesting that the satellite known as ABS-3A be authorized to provide fixed-satellite services to and from the United States and thus that the satellite be placed on the Commission's Permitted Space Station List.

Attachment ABS-3A

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify) Bermudian Limited Liability Company

45. Name of Person Signing
James Keyes

46. Title of Person Signing
Director

47. Please supply any need attachments.

1:

2:

3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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