

**HARRIS,  
WILTSHIRE &  
GRANNIS LLP**

RECEIVED

OCT 13 2006

Satellite Division  
International Bureau

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ATTORNEYS AT LAW

October 11, 2006

**BY HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: ***Information Update***  
SES-MFS-20060811-01347

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OCT 11 2006

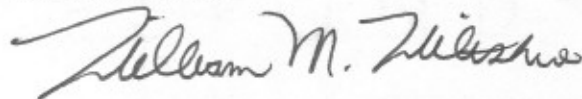
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Dortch:

Pursuant to Section 1.65 of the Commission's rules, enclosed you will find a slightly revised version of the authorization to launch and operate the WildBlue-1 satellite at 111.1° W.L. recently issued by Industry Canada. Although the differences between this version of the authorization and the prior version filed with the above referenced application are minor and not material to this proceeding, it is being submitted in the interest of a complete record.

If you have any questions, please do not hesitate to contact undersigned counsel.

Sincerely yours,



William M. Wiltshire  
Counsel for WB Holdings 1, LLC

Enclosure



Industrie Canada

Industry Canada

**REPLACEMENT**

Our file: 46215-1 (92664 DM)

**OCT 06 2006**

Mr. Ted Ignacy  
Chief Financial Officer  
Telesat Canada  
1601 Telesat Court  
Gloucester, Ontario  
K1B 5P4

Dear Mr. Ignacy:

I refer to your letter of April 18, 2006 and your supplemental submissions of June 19, 2006 and September 8, 2006 requesting approval of Telesat Canada's plan to test and operate the WildBlue 1 Ka band satellite.

The Department has assessed your application within the context of the initial approvals provided to Telesat Canada in 1997 and 1999 for the Anik F program. The Department notes that this Ka band satellite is an additional facility to Telesat's Anik F2 satellite which is currently operating in the 111.1°WL orbital position and the importance to Telesat Canada of this additional facility in providing service in Canada if there is a Ka band capacity shortage and as a potential backup facility. The Department also notes the role the satellite will play in securing long-term Canadian access to the Ka band spectrum at the 111.1°WL orbital position. The Department has concluded that approving this plan is in the public interest.

Accordingly, I am pleased to provide you with this approval in principle, granted to Telesat Canada, to test and operate the WildBlue 1 Ka band satellite at the 109.2°WL and 111.1°WL orbital positions, respectively, using the radio frequency bands and frequencies set out in the table below.

...2

**Canada**

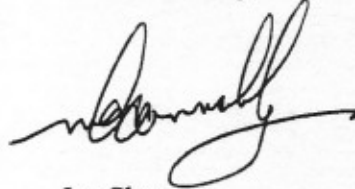
Radio Frequency Band		Use
1	Earth-to-Space: 29.5 to 30 GHz Space-to-Earth: 19.7 to 20.2 GHz	Service to Subscribers
2	Earth-to-Space: 28.35 to 28.6 GHz & 29.25 to 29.5 GHz Space-to-Earth: 18.3 to 18.8 GHz	Feeder Links
3	On station Command: 29999.5 MHz Telemetry: 20197.5 & 20198.0 MHz  Transfer orbit and emergency Command: 5859.5 & 6420.5 MHz 5859.5 & 6423.5 MHz Telemetry: 3701.5 & 4198.0 MHz	Telemetry, Tracking and Control  through launch post launch
4	Earth-to-Space: 29500.50 MHz Space-to-Earth: 20199.798 MHz	Beacon

This approval in principle is subject to the conditions set out in attachments 1 and 2 to this letter. Please note that in issuing a licence, other conditions may be required pursuant to Ministerial authority as set out in section 5.(1)(a)&(b) of the *Radiocommunication Act*. As you are also aware, Industry Canada is consulting with the Department of Foreign Affairs concerning treatment of this satellite under the international liability and registration conventions for space objects. It should be noted that additional conditions may be required to give effect to any understandings developed between the Government of Canada and any other country respecting the treatment of the WildBlue 1 satellite.

Please note that the Department is currently reviewing the documentation provided by Telesat Canada relating to its ownership and control. Accordingly, this approval in principle is subject to Telesat Canada fully demonstrating that it is Canadian owned and controlled. In the event that the Department is not able to conclude that Telesat is Canadian owned and controlled, a licence permitting operation of the WildBlue 1 satellite would not be forthcoming.

In keeping with our commitment to open, fair and transparent licensing processes, this letter will be posted on the Department's Spectrum Management and Telecommunications website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jan Skora', with a long horizontal flourish extending to the right.

for  
Jan Skora  
Director General  
Radiocommunications and  
Broadcasting Regulatory Branch

Attachments (2)

Attachment 1

**Conditions of Approval in Principle  
Telesat Canada**

**Interim Use of the 109.2°WL Orbital position to Test the WildBlue 1 Satellite  
Prior to Moving it to the 111.1°WL Orbital Position**

- 1) Prior to commencing operation of the WildBlue 1 satellite at the 109.2°WL position and prior to the transit of the satellite from the 109.2°WL position to the 111.1°WL position, Telesat Canada must demonstrate to the Department that coordination of the satellite with potentially affected satellites has been successfully completed.
- 2) Industry Canada requires Telesat Canada to provide the Department with the information listed in Annex B of the Department's *CPC-2-6-02, Licensing of Space Stations in Services Other than the Amateur Satellite Service and the Broadcasting Satellite Service in Planned Bands*, 60 days prior to the intended commencement of operation of the WildBlue 1 satellite at 109.2°WL orbital position.
- 3) Telesat Canada must advise the Department when in-orbit testing has been completed and, at least two days in advance, when the transit from the 109.2°WL to the 111.1°WL orbital position will take place.



**Conditions of Approval in Principle  
Telesat Canada**

**Operation of WildBlue 1 Satellite at the 111.1°WL Orbital Position**

- 1) To the extent that Telesat Canada may act as a telecommunications common carrier under the Telecommunications Act through its use of the WildBlue 1 satellite, Telesat Canada must make the satellite capacity available on a non-discriminatory basis.
- 2) Telesat Canada must comply on an on-going basis with the eligibility criteria as set out in section 10(2)(d) of the *Radiocommunication Regulations*.
- 3) Telesat Canada must provide the Department with the information listed in Annex B of the Department's *CPC-2-6-02, Licensing of Space Stations in Services Other than the Amateur Satellite Service and the Broadcasting Satellite Service in Planned Bands*, 15 days prior to commencing operation of the WildBlue 1 satellite at the 111.1°WL orbital position.
- 4) The authorization of the Minister is required for any proposed transfer of licence, whether in whole or in part, including any change which would have a material effect on the Canadian ownership and control in fact of the licensee.
- 5) Telesat Canada must invest as a minimum 2 percent of its adjusted gross revenues resulting from the operation of the WildBlue 1 satellite facility on satellite-related research and development activities. This requirement to invest begins with the commencement of commercial operation of the satellite, and may be averaged over a five year period. Eligible research and development is that which meets the definition adopted by the Canada Customs and Revenue Agency.

The term "adjusted gross revenues" in this context is defined as those revenues attributable to the use of the space segment capacity, including any pre-sold capacity and revenues arising from any sale of transponders, less inter-carrier payments, bad debts, third party commissions, and provincial and federal sales, goods and services taxes.

- 6) a. Telesat Canada must, with the assistance of the Department, and at Telesat Canada's own expense, effect the successful coordination and notification of the satellite network; provide the Department, in a form acceptable to

the International Telecommunication Union (ITU), with all required information; and be responsible for the payment of all ITU charges related to the processing of this information.

- b. Telesat Canada must comply with provisions of the ITU *Radio Regulations* and all international coordination arrangements to which Canada is a party for the operation of the WildBlue 1 satellite.
  - c. Telesat Canada may operate the satellite on assignments for which the ITU coordination/ notification process is yet to be successfully concluded, on a no interference, no protection basis pursuant to provision No. 4.4 of Article 4 of the ITU *Radio Regulations*. Should interference occur, Telesat Canada will immediately, and at its own expense, take steps to eliminate the interference situation.
- 7) Telesat Canada must deorbit the satellite at the end of its life. The satellite shall be removed from the geostationary satellite orbit region in a manner consistent with Recommendation ITU-R S.1003 *Environmental Protection of the Geostationary Satellite Orbit*.
- 8) Telesat Canada must submit an annual report for each of the first five years from the date of issuance of this licence which would include:
- an update indicating continued compliance with all licence conditions;
  - an update on the usage and status of each transponder;
  - a statement of adjusted gross revenues and an audited statement of research and development expenditures as required under condition 5 above, and a description of Telesat Canada's research and development activities related to these expenditures;
  - a copy of any existing corporate annual report for your fiscal year with respect to this authorization.

These reports are due April 30 and are to be submitted in writing to the Manager, Satellite Services Authorization Policy, Space and International Regulatory Activities, Radiocommunication and Broadcasting Regulatory Branch.

- 9) Telesat Canada must submit a traffic report for the satellite at the commencement of operations at the 111.1°WL position, and every three months thereafter, indicating:

- the transponders in use, and the date of bringing into use of each transponder;
- the nature of the signals carried in each transponder;
- the channel capacity of each transponder in terms of the number of telephone channels carried in a transponder, or telephone channel equivalencies as determined by application of section 58 of the *Radiocommunication Regulations* including all supporting information used to make this determination.

These traffic reports are to be submitted, in writing, to the Manager, Satellite Authorization Policy, Radiocommunication and Broadcasting Regulatory Branch.

- 10) Applicable authorization fees, as set out in the *Radiocommunication Regulations* for radio licences, will be payable by Telesat Canada on or before commencement of the operation of the satellite. Applicable annual authorization fees will be payable on or before March 31, 2007 and on or before March 31 of each year thereafter.