

RESPONSE TO QUESTION 42: NON-U.S. LICENSED SATELLITES

In this application, Telesat Network Services, Inc. (“Telesat”) seeks to add Estrela do Sul 2 as a point of communication for its satellite earth station, E990541, located in Mt. Jackson, Virginia. Estrela do Sul 2 is licensed by Brazil and is a replacement for Estrela do Sul 1, which already is an authorized point of communication for E990541.

Section 25.137(b) of the Commission’s rules requires earth station applicants seeking to operate with a space station licensed outside the United States to provide legal and technical information for the space station in accordance with Part 25 of the rules. This information already has been provided in connection with a petition for declaratory ruling (“PDR”) filed by Telesat Brasil Capacidade de Satelites Ltda. (“Telesat Brasil”) seeking to add Estrela do Sul 2 to the Permitted Space Station List.¹ Telesat hereby incorporates by reference the legal and technical information provided in Telesat Brasil’s filing.

Next generation satellites that satisfy the Commission’s replacement satellite criteria are exempt from the requirement for posting a bond. The Commission has found that a bond is unnecessary “[o]nce a licensee has begun to provide service,” because at that point the Commission can be “confident that its replacement satellite application will be intended to continue service, and would not be filed for speculative purposes.”²

Telesat Brasil demonstrated in its PDR that Estrela do Sul 2 satisfies the Commission’s replacement satellite criteria relating to technical consistency and coverage.³ Telesat hereby incorporates by reference this demonstration. In addition, Telesat’s application to add Estrela do Sul 2 as a point of communication for its Mt. Jackson earth station is consistent with the requirement that replacement satellites not use additional frequencies.⁴ Telesat only proposes in this modification application to communicate with Estrela do Sul 2 using the same 13.8-14 GHz band that the Commission previously authorized Telesat’s predecessor-in-interest to use in communicating with Estrela do Sul 1.⁵ Accordingly, Telesat’s modification application is exempt from the bond requirement.

¹ See File No. SAT-PPL-20110112-00012.

² See *In the Matter of the Commission’s Space Station Licensing Rules and Policies; Mitigation of Orbital Debris*, First Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 10760, 10856 (2003) (“Licensing Reform Order”), ¶ 167.

³ See Petition for Declaratory Ruling, File No. SAT-PPL-20110112-00012 (Jan. 12, 2011) at Section III.B.

⁴ See *Mobile Satellite Ventures Subsidiary LLC*, DA 05-1492 (Int’l Bur., May 23, 2005) at ¶ 45.

⁵ See FCC File No. SES-MFS-20070502-00542. Telesat also will use its Mt. Jackson earth station to communicate with Estrela do Sul 2 using conventional Ku-band frequencies. These operations, however, are not the subject of this modification application. Rather, conventional Ku-band communications via Estrela do Sul 2 will be covered by the already-authorized “ALSAT” point of communication for Mt. Jackson once Telesat Brasil’s PDR has been granted.