

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

In the Matter of )  
 )  
Hawaii Pacific Teleport, LO ) File No. \_\_\_\_\_  
 )  
Application to Modify Kapolei Earth )  
Station Licence to Add Telstar 18 VANTAGE )  
as a Point of Communication )

**APPLICATION FOR AUTHORITY TO COMMUNICATE WITH A NON-US  
LICENSED SPACE STATION**

**I. INTRODUCTION AND SUMMARY**

Pursuant to Section 25.1117 of the Commission’s rules, Hawaii Pacific Teleport, L.P. (“HPT”) seeks approval of a modification of its license to operate an earth station in Kapolei, Hawaii, Call Sign E030115, to add the Telstar 18 VANTAGE (“T18V”) satellite as a point of communication using Ku-band frequencies.

T18V is a new state-of-the-art geostationary satellite orbit, Fixed-Satellite Service (FSS) space station owned and operated by Telesat International Limited (“Telesat”) that will replace and expand the coverage of Telesat’s Telstar 18 (“T18”) satellite currently operating at 138° EL (222°WL). T18V was launched on September 10, 2018, and is expected to be placed into service in October 2018.<sup>1</sup>

HPT uses E030115 to provide non-common carrier services in Ku-band and extended Ku-band.

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<sup>1</sup> T18 and T18V will both be located at 138°EL for a short period of time, pending transition of customer traffic and determination of a new location for T18. Because both satellites are operated by Telesat, it is possible to operate them in the same stationkeeping box.

HPT seeks to modify E030115 to include T18V as a point of communication for the following Ku-band and extended Ku-band frequencies that are currently covered by the license: 14.0-14.2515 GHz and 11.45-11.7 GHz.<sup>2</sup> These changes will enable HPT to use E030115 to support non-common carrier customer services via T18V between the Hawaii, on the one hand, and Australia, New Zealand and Asia, on the other hand.

This application includes the technical, legal and other information that is required to add a foreign-licensed satellite that is not on the Commission's Permitted Space Station List, as an authorized point of communication for a U.S. earth station. It also addresses coordination and other frequency requirements.<sup>3</sup>

As discussed more fully below, grant of the application is in the public interest and satisfies the applicable Commission requirements.

## **II. TELSTAR 18 VANTAGE SATISFIES THE REQUIREMENTS OF §25.137.**

Earth station applicants filing under Section 25.137 must demonstrate that the non-U.S. licensed space station proposed as a point of communication satisfies the Commission's legal and technical requirements as set forth in Section 25.114 of the Rules, including Schedule S. This narrative and the associated Technical Exhibit and Schedule S show compliance with these requirements.

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<sup>2</sup> A separate application is being filed concurrently to modify HPT's license for E010016, also located in Kapolei, to add T18V as a point of communication to provide telemetry, tracking and control for T18V and support service links for T18V in certain C-band frequencies.

<sup>3</sup> A radiation hazard exhibit is included with this filing to demonstrate compliance with the Commission's limits on RF radiation exposure.

**A. Technical Qualifications**

T18V will significantly expand the Ku-band capacity and coverage of T18, including to areas such as Hawaii that are not covered by T18. In addition, T18 will replace existing C-band capacity on T18.

The Ku-band payload supports coverage of Asia, Australia, New Zealand and the North Pacific.<sup>4</sup> In terms of the U.S., the Australia/New Zealand Ku-band beam provides coverage of Hawaii and Guam, while the North Pacific Ku-band beam provides coverage of Hawaii and parts of Alaska. These beams will support VSAT services and point-to-point communications links between Hawaii, on the one hand, and Asia, Australia/New Zealand and other points in the North Pacific, on the other hand.

The attached technical exhibit and Schedule S that are filed with this application establish that operation of T18V will be consistent with the Commission's technical requirements, including its requirements for two-degree satellite spacing compatibility.

**B. Legal Qualifications**

HPT highlights the following Part 25 rules that warrant special mention:

*Sections 25.137(d)(1) & 25.164(b) – Satellite Construction Milestones*

Section 25.137(d)(1) of the Commission's rules<sup>5</sup> requires earth station applicants requesting U.S. market access to demonstrate compliance with satellite launch and operation milestones. The milestones for GSO systems like T18V are set forth in Section

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<sup>4</sup> The Ku-band spot beams will be supported by Ka-band gateway beams operating only in the regions covered by the spot beams.

<sup>5</sup> 47 C.F.R. § 25.137(d)(1).

25.164(a) of the Commission's rules.<sup>6</sup> It is anticipated T18V will be operational, and that milestone requirements therefore will have been satisfied, prior to Commission action on this application. HPT acknowledges, however, that the provision of service in the U.S. via T18V will be subject to the Commission's milestone requirements in the event the satellite is not in service at the time of a grant.

*Sections 25.137(d)(4) & 25.165 – Posting of Bond*

Section 25.137(d)(4) of the Commission's rules requires a bond to be posted in connection with filings involving non-U.S. licensed satellites that are not in orbit and operating.<sup>7</sup> As stated above, it is anticipated that T18V will be in orbit and operating prior to Commission action on this application. HPT acknowledges, however, that the provision of service to the U.S. market via T18V will be subject to the bond requirement in the event the satellite is not in service at the time of a grant.

**C. Other Public Interest Factors**

**1. Effect on competition in the United States**

Pursuant to Section 25.137 of the Commission's rules, an earth station applicant requesting authority to communicate with a non-U.S.-licensed space station must demonstrate either that: (1) U.S.-licensed satellites have effective competitive opportunities to provide analogous services in the country in which the space station is licensed and all countries in which communications with the U.S. earth station will originate or terminate, or (2) the licensing jurisdiction is a World Trade Organization

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<sup>6</sup> 47 C.F.R. § 25.164(a).

<sup>7</sup> 47 C.F.R. § 25.137(d)(4).

("WTO") member country.<sup>8</sup> HPT satisfies this requirement. T18V will be operated in the United States under authority from the Kingdom of Tonga (ITU designations TONGASAT C/KU-3 and TONGASAT-2/138E)<sup>9</sup>, which is a WTO member.<sup>10</sup>

## **2. Spectrum availability**

The Commission considers under the "other public interest factors" element of *DISCO II* whether access to the U.S. market would have an impact on spectrum availability.<sup>11</sup> In so doing, the Commission evaluates whether grant of access would create the potential for harmful interference with U.S.-licensed satellite and terrestrial systems.

T18V satisfies this aspect of *DISCO II*. T18V will operate at 138° E.L. and is compatible with other geostationary satellite orbit ("GSO") space stations from a spectrum availability perspective. The compatibility of T18V with satellites as close as two degrees away is demonstrated in the attached Technical Exhibit.

## **3. National security, law enforcement, foreign policy, and trade issues**

The Commission also considers under the "other public interest factors" element of *DISCO II* whether grant of an application would implicate national security, law

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<sup>8</sup> This rule implements the portion of the *DISCO II Order* establishing a presumption that granting applications to provide service in the United States via satellites licensed by WTO members will enhance competition and therefore is in the public interest. See *Amendment of the Commission's Regulatory Policy to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Service in the United States*, 12 FCC Rcd 24094, ¶ 29 (1997) ("*DISCO II Order*").

<sup>9</sup> Both the TONGASAT C/KU-3 and TONGASAT-2/138E filings are associated with the Ku-band frequencies on T18V; for some reason, IBFS is not permitting entry of the full reference for both filings.

<sup>10</sup> Tonga was not a WTO member at the time U.S. market access was granted for T18, and the Commission made a finding that the effective competitive opportunities test was satisfied. (SES-MOD-20040115-00131)

<sup>11</sup> See *DISCO II Order*, ¶¶ 146-182.

enforcement, foreign policy, or trade concerns.<sup>12</sup> The Commission has found in similar circumstances involving Telesat International or its affiliates that using non-U.S. licensed satellites to serve the United States raises no national security, law enforcement, foreign policy, or trade concerns. The Commission made this finding, for example, in authorizing the Telstar 19 VANTAGE satellite.<sup>13</sup> These findings apply with equal force to HPT's request to add T18V as a point of communication at its Kapolei earth station.

### III. SPECTRUM ISSUES

In the table below, HPT addresses certain spectrum issues, including coordination requirements, that are specific to the frequencies that are the subject of this modification application.

Frequency	Use	Coordination	Comments
11.45-11.7 GHz	space-to-Earth: service links	Comsearch report provided for coordination for 138°EL	HPT acknowledges that use of this band is limited to international systems and operation of ESV, VMES, and ESAA in accordance with footnote NG52 of the Table of Allocations.
14.0-14.2515 GHz	Earth-to-space: service links	Non-federal coordination not required	

<sup>12</sup> See *DISCO II Order*, ¶¶ 146-182.

<sup>13</sup> See *Telesat International Limited Petition for Declaratory Ruling to Add Telstar 19 VANTAGE, a Ku-band and Ka-band Satellite, to the Permitted Station List*, FCC File No. SAT-PPL-20160225-00020 (granted Aug. 31, 2016). See also *Telesat Canada Petition for Declaratory Ruling for Inclusion of ANIK F3 on the Permitted Space Station List*, FCC File No. SAT-PPL-20060516-00061 (granted Jan. 18, 2007); *Loral Orion Services, Inc., Order*, 15 FCC Rcd. 12419 (IB 2000); *Orion Satellite Corp., Order and Authorization*, 10 FCC Rcd. 12307 (IB 1995).

#### **IV. CONCLUSION**

T18V will preserve the benefits of competition currently afforded by T18 in the provision of direct connectivity between the United States and Asia/Oceania in C-band at the 138°EL orbital position. In addition, the expanded coverage into the United States of the Ku-band capacity on the satellite will enhance competition and expand the options available to customers in this country.

Accordingly and in view of the foregoing, grant of this application to modify the license for E030115 is in the public interest, and it is respectfully requested that the Commission grant the application expeditiously.