

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

In the Matter of Application by	)	
	)	
SES AMERICOM, INC.	)	Call Sign E050287
	)	
To Modify its Earth Station License to	)	
Perform TT&C for ASTRA 2C	)	

MODIFICATION

By this application, SES Americom, Inc. (“SES”) respectfully requests a modification of its E050287 earth station license.¹ Specifically, SES seeks authority to add the Luxembourg-authorized ASTRA 2C spacecraft as a point of communications solely for the purposes of providing Tracking, Telemetry and Command (“TT&C”) for the satellite at its current position at 72.5°W.L.²

SES’s affiliate, SES ASTRA S.A. (“ASTRA”), holds an authorization from the Luxembourg Ministry of State, Office of Media and Communications³ for the ASTRA 2C spacecraft. ASTRA has requested that SES assist with providing TT&C for ASTRA 2C at 72.5° W.L. ASTRA 2C is operating in inclined orbit.

SES is not requesting U.S. market access or any other authorization from the Commission relating to the non-U.S.-licensed ASTRA 2C spacecraft, and therefore is not

¹ SES Americom, Inc., Call Sign E050287, File No. SES-RWL-20210115-00055.

² The ASTRA 2C TT&C frequencies are as follows:

Telecommand:	13754.5 MHz (bicone) horizontal polarization
	13996.5 MHz (pipe) circular polarization
Telemetry:	10951.5 MHz (pipe) circular polarization / (bicone) vertical polarization
	11197.0 MHz (pipe) circular polarization

In compliance with Section 25.202(g)(1) of the Commission’s rules, the proposed TT&C operations will cause no greater interference and require no greater protection from harmful interference than would communications traffic in these bands.

³ Ministère d’État, Service des Médias et des Communications of the Grand Duchy of Luxembourg.

providing full technical information about the ASTRA 2C satellite as part of this application.⁴ Changes to the E050287 license needed to accommodate the ASTRA 2C TT&C operations are provided in the Form 312 Schedule B filed with this application. An orbital debris mitigation statement for ASTRA 2C is already on file with the Commission.⁵ As discussed below, communications with ASTRA 2C will not adversely affect the operation of any adjacent satellites.

Grant of this Application Will Serve the Public Interest. Grant of this request is in the public interest as the requested TT&C authority will facilitate the safe operation of ASTRA 2C at 72.5° W.L. ASTRA's ASTRA 2C spacecraft at 72.5° W.L. will not create interference to other spacecraft.⁶

Waiver Requests. SES requests limited waivers of the Commission's requirements in connection with the instant request. Grant of these waivers is consistent with Commission policy:

The Commission may waive a rule for good cause shown. Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule. Generally, the Commission may grant a waiver of its rules in a particular case if the relief requested would not undermine the policy objective of the rule in question and would otherwise serve the public interest.⁷

Sections 25.137 and 25.114. SES requests a waiver of Section 25.137 and the other Commission rules cross-referenced therein. SES seeks authority in connection with providing TT&C for ASTRA 2C, a foreign-licensed spacecraft. Section 25.137 requires that applicants

⁴ See Waiver Request, *infra*.

⁵ See SES Americom, Inc., Call Sign E110104, File No. SES-MFS-20210308-00443, Attachment 1.

⁶ Neither the Canadian-licensed Nimiq 5 satellite at 72.7° W.L. nor SES's AMC-3 satellite at 72° W.L. has any frequency overlap with ASTRA 2C.

⁷ *PanAmSat Licensee Corp.*, 17 FCC Rcd 10483, 10492 (Sat. Div. 2002) (footnotes omitted).

proposing to use U.S.-licensed earth stations to communicate with foreign-licensed spacecraft demonstrate that the Commission's policies for U.S. market access are satisfied.

Section 25.137 also incorporates by reference other requirements for Commission-licensed space stations, including the obligation to file detailed technical information as specified in Section 25.114.

Waiving Section 25.137 is consistent with the purpose of the rule, which was intended to address situations in which a non-U.S.-licensed satellite is to be used to serve the United States. Here, the E050287 earth station will be used solely for TT&C, not for commercial operations. Thus, SES is not seeking authority to communicate with ASTRA 2C for purposes of providing U.S. service within the meaning of Section 25.137.

To the extent the Commission disagrees, SES requests a waiver of the market access and other requirements imposed in Section 25.137. Grant of a waiver will not undermine the objectives of these requirements. The market access test described in the rule is intended to ensure that U.S.-licensed systems have "effective competitive opportunities."⁸ Because SES is not seeking authority to provide commercial services in the United States, the requested modification does not raise any concerns about competitive equality.⁹

Strict adherence with Section 25.114's requirements for detailed technical information is also unnecessary and would be unduly burdensome. SES is proposing to use the E050287 earth station only for the limited purpose of performing TT&C for ASTRA 2C while it relocates to 72.5° W.L. and to maintain it at that location. The relevant technical characteristics of those transmissions are provided in this application. In these circumstances,

⁸ 47 C.F.R. § 25.137(a).

⁹ In any event, the ASTRA 2C spacecraft at 72.5° W.L. will be operating under the authority of Luxembourg, a World Trade Organization member country, and therefore is exempt from the requirement to make a showing of effective competitive opportunities. 47 C.F.R. § 25.137(a)(2).

no valid purpose would be served by requiring a complete description of the ASTRA 2C spacecraft.

SES's request is consistent with Commission precedent. In similar cases in which limited communications by U.S. earth stations with a foreign-licensed satellite were proposed, the Commission has granted operational authority without requiring a market access showing under Section 25.137 or full technical data as required by Section 25.114.¹⁰

Section 25.210(j). The ASTRA 2C satellite is authorized by the Luxembourg Government to operate at 72.5° W.L. within a +/- 0.1 degrees east/west station keeping box. To the extent necessary, SES respectfully requests a waiver of Section 25.210(j) of the Commission's rules, which requires geostationary space stations to be operated within a +/- 0.05 degrees east/west station keeping box. The Commission has previously waived this rule based on a finding that allowing an increased station keeping volume would "not adversely affect the operations of other spacecraft, and would conserve fuel for future operations."¹¹

The facts here fit squarely within this precedent. Allowing ASTRA 2C to be maintained within an increased station keeping volume will not harm other operators. ASTRA 2C's station keeping volume will not overlap with that of any other satellites. In addition, allowing ASTRA 2C to be flown at 72.5° W.L. in an expanded east-west station keeping volume of +/-0.1 degrees will result in fuel savings for the spacecraft. This will

¹⁰ See, e.g., Hawaii Pacific Teleport, L.P., File No. SES-STA-20131030-00914 (Call Sign E030115), granted Nov. 18, 2013 (granting authority for earth station to provide TT&C services to ASTRA 3A operating at 176.85° W.L.); PanAmSat Licensee Corp., File Nos. SES-STA20090922-01211 (Call Sign E4132) & SES-STA-20090922-01212 (Call Sign E040125), both grant-stamped Oct. 16, 2009 (granting authority for earth stations to communicate with foreign-licensed NSS-12 spacecraft for purposes of providing launch and early operations services).

¹¹ See, e.g., SES Americom, Inc., File Nos. SAT-MOD-20080124-00030 & SAT-AMD-20080311-00070, grant-stamped May 19, 2008, Attachment at ¶ 1.

prolong the time during which ASTRA 2C will be available to provide service. Under these circumstances, grant of any necessary waiver of Section 25.210(j) will serve the public interest.

SES hereby certifies that no party to this application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

For the foregoing reasons, SES respectfully requests a modification of the E050287 earth station license to communicate with ASTRA 2C in order to provide TT&C for the satellite at 72.5° W.L.

Respectfully submitted,

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