

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Application of United Teleports Inc. to Modify)	File No. SES-MOD-_____
its Existing Earth Station License)	Call Sign E160081
)	

APPLICATION TO MODIFY EARTH STATION LICENSE

By this application, United Teleports Inc. (“United Teleports”) seeks modification of its existing fixed earth station license, Call Sign E160081, to expressly include authority to provide direct-to-home (“DTH”) feeder link uplink services in connection with its authorized earth station uplink operations in the 6.725-7.025 GHz band. The United Teleports’ earth station will communicate with EUTELSAT 65WA – a Brazilian-licensed satellite located at the nominal 65° W.L. orbital location that is currently authorized as a satellite point of communication – to provide these services.

United Teleports is currently authorized by the Commission to operate the subject earth station and seeks to support DTH-type services provided by third parties in the Caribbean, Central America, and South America. (No DTH services will be provided in the United States.) As discussed herein, grant of the requested authority is consistent with Commission rules and precedent, and will serve the public interest by allowing United Teleports to respond to customer demand for feeder link uplink services.

I. DISCUSSION

The Commission has granted United Teleports authority to operate a 6.5m earth station at its Port St. Lucie teleport facility in the Appendix 30B C-band uplink frequencies from 6.725-

7.025 GHz.¹ United Teleports proposes no change to its previously-licensed earth station operations and hereby incorporates by reference the information provided in support of its prior authorization and modification to that authorization. This modification application requests authority to use the subject earth station to provide feeder link uplinks to support DTH-type services provided to markets outside the United States.

Pursuant to Section 25.137 of the Commission's rules² and its *DISCO II Report and Order*,³ the Commission will apply the effective competitive opportunities ("ECO-SAT") test when an applicant seeks to provide a service that is not covered by the World Trade Organization ("WTO") Agreement on Basic Telecommunications Services ("BTA") via a non-U.S.-licensed satellite. The United States excepted DTH-type services provided to, from, or within the United States from its commitments under the BTA.

Under the ECO-SAT test, the Commission examines whether there are effective competitive opportunities for U.S.-licensed satellites to serve the home market of the non-U.S. satellite seeking access to the United States.⁴ Section 25.137(a) of the Commission's rules expressly requires that this showing be made for the country in which the non-U.S. licensed

¹ See United Teleports Inc., File No. SES-MOD-20170228-00210 (Call Sign E160081).

² See 47 CFR §25.137(a).

³ Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States, Report and Order, IB Docket No. 96-111, 12 FCC Rcd 24094, 24174 (para. 186) (1997).

⁴ See, e.g., Horizons Satellite LLC, Order and Authorization, File No. SAT-PPL-20040112-00004 (Call Sign S2475) (May 27, 2004).

space station is licensed and all countries in which communications with the U.S. earth station will originate or terminate.⁵

The EUTELSAT 65WA satellite is licensed by Brazil, which has previously been authorized under the ECO-SAT test for DTH services.⁶ There are 28 Caribbean, Central American, and South American jurisdictions in which DTH-type services will be supported by United Teleports' feeder link uplink using EUTELSAT 65WA. Each of these countries has been previously authorized under the ECO-SAT test for DTH services.⁷ A list of the jurisdictions where communications from the United Teleports earth station will terminate is listed in the attached Appendix A, accompanied by citations to the Commission decisions in which it found there were effective competitive opportunities and thus authorized DTH-type services using a non-U.S. licensed satellite.

United Teleports is aware of no material changes to applicable regulations in the relevant jurisdictions that would alter the Commission's conclusion regarding effective competitive opportunities in those jurisdictions. United Teleports hereby incorporates by reference the Commission's previous findings in the ECO-SAT tests for each of the listed jurisdictions.

Grant of this modification application would serve the public interest because it would allow United Teleports to provide new feeder link uplink services and offer expanded U.S. earth

⁵ 47 CFR §§25.137(a)(1), (2).

⁶ *See* Hispamar Satelites S.A., File Nos. SAT-PPL-20100506-00093 and SAT-APL-20101209-00257, Call Sign S2793 (Dec. 21, 2010).

⁷ *See* SES Satellites (Gibraltar) Ltd, File No. SAT-PPL-20160126-00007 (Call Sign S2951) (July 12, 2016); *see also* New Skies Satellites B.V., File Number SAT-PPL-20160117-00005 (Call Sign S2950) (June 23, 2016).

station support for international markets. It also would enable United Teleports to respond to customer demand by supporting expanded international video distribution services, thereby enhancing U.S. service provider and U.S. content presence in the international market.

II. CONCLUSION

In view of the foregoing, United Teleports respectfully requests that the Commission grant United Teleports' application for modification of its existing fixed earth station license, Call Sign E160081, by adding authority to provide feeder link uplink services to support DTH-type services provided outside the United States using the EUTELSAT 65WA satellite.

APPENDIX A

Subject Jurisdictions for DTH-Type Services

1. Anguilla¹
2. Antigua and Barbuda¹
3. Aruba¹
4. Barbados¹
5. Bermuda¹
6. Bonaire¹
7. British Virgin Islands¹
8. Cayman Islands¹
9. Curacao¹
10. Dominica¹
11. El Salvador¹
12. French Guiana²
13. Grenada¹
14. Guadeloupe¹
15. Guyana²
16. Haiti¹
17. Jamaica¹
18. Martinique¹
19. Montserrat¹
20. Panama¹
21. St. Martin¹
22. St. Barthelemy¹
23. St. Kitts and Nevis¹
24. St. Lucia¹
25. St. Vincent and The Grenadines¹
26. Suriname²
27. Trinidad and Tobago¹
28. Turks and Caicos¹

¹ See *SES Satellites (Gibraltar) Ltd*, File No. SAT-PPL-20160126-00007 (Call Sign S2951) (July 12, 2016).

² See *New Skies Satellites B.V.*, File Number SAT-PPL-20160117-00005 (Call Sign S2950) (June 23, 2016).