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BY HAND DELIVERY

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

**Re: SES Americom Response to CNC
File Nos. SES-STA-20061211-02123/02124/02126/02127/02128**

Dear Ms. Dortch:

SES Americom, Inc. ("SES Americom"), by its attorneys, hereby opposes the letter filed by the Comisión Nacional de Comunicaciones of the Republic of Argentina on December 28, 2006 (the "CNC Letter") requesting denial of the above-referenced applications for special temporary authority ("STA") to communicate with the Gibraltar-licensed AMC-18 spacecraft for a short period at 81° W.L.

Immediate grant of SES Americom's requested STAs will serve the public interest by allowing evaluation of the feasibility of a service to provide enhanced and more efficient video programming to rural users. Time is critical here because AMC-18 has completed its in-orbit tests and is ready to move to 81° W.L. now. The service evaluation at that location must begin as soon as possible to maximize the analysis possible before the spacecraft must begin its further drift to 104.95° W.L., where it must arrive by January 27 to meet important customer service commitments. Consequently, any delay in action on the STA requests will jeopardize the public interest benefits to rural America of the evaluation work.

Grant of the STAs is fully consistent with long-standing Commission precedent in favor of permitting temporary use of unoccupied orbital locations. The CNC Letter raises no valid objection to the requested authority and should be dismissed.

Background

In the above-referenced STA applications, SES Americom sought authority for five U.S. earth stations to communicate with the C-band AMC-18 spacecraft for a period of up to 30 days to provide telemetry, tracking and control (“TT&C”), and to conduct evaluation work while AMC-18 is temporarily stationed at 81° W.L. AMC-18, which is licensed by the Gibraltar Regulatory Authority (“GRA”), was launched in December 2006. The Commission previously granted authority for the same U.S. earth stations to communicate with the satellite for purposes of TT&C and in-orbit testing at the 80° W.L. orbital location and during drift to its final assigned orbital location at 104.95° W.L.¹ The Commission has also placed AMC-18 on the Permitted Space Station List at 104.95° W.L., thereby authorizing all U.S.-licensed earth stations with ALSAT authority to communicate with the spacecraft at that position. *See* File No. SAT-PPL-20061006-00118, granted December 7, 2006. Testing of AMC-18 at 80° W.L. has been successfully completed, and, as noted above, the spacecraft must arrive at 104.95° W.L. by January 27 to commence regular operations and meet customer service requirements.

The instant STA requests seek authority for a limited period to facilitate temporary operation of AMC-18 at 81° W.L. to allow evaluation of a proposed new service configuration. This matter relates to the planned launch of SES Americom’s IP Prime IPTV service with four rural telephone companies in January 2007. IP Prime is a satellite-delivered IPTV service that currently uses 24 transponders of C-band capacity on SES Americom’s AMC-9 satellite at 83° W.L. The new service configuration is incompatible with that on AMC-9 and only the temporary availability of AMC-18’s 24 transponders two degrees away will allow this vital evaluation to occur.

Specifically, SES Americom is recommending that rural telcos using IP Prime deploy triple-feed satellite dishes capable of receiving signals from three satellites in order to provide capacity needed for service expansion and restoration in the event of a satellite failure. As the service is currently configured, the three satellites from which signals would be received would be separated by four degrees (79° W.L., 83° W.L., and 87° W.L.). However, SES Americom would also like to evaluate the feasibility of moving to multi-feed dishes capable of receiving services simultaneously from orbital locations separated by only two degrees. Grant of the requested STAs will permit SES Americom to uplink IP Prime services to both the existing AMC-9 satellite at 83° W.L. and AMC-18 at 81° W.L., and the results can then be used to assess the feasibility of moving forward on a two-degree basis.

Thus, SES Americom requested the STAs to facilitate evaluation of a potential service configuration for IP-Prime that could enhance the ability to provide expansion and back-up capacity for rural video services. The 81° W.L. orbital location, which is adjacent to existing IP-Prime capacity on AMC-9, is the only currently unoccupied position suitable for evaluating operation of IP-Prime with triple-feed dishes and satellites separated by two degrees. The GRA,

¹ *See* File Nos. SES-STA-20061020-01879 (WB81); SES-STA-20061020-01880 (KB27); SES-STA-20061020-01878 (E000289); SES-STA-20061020-01876 (E859623); and SES-STA-20061020-01877 (E000313), all granted Nov. 28, 2006. The authority granted is for a period of 90 days commencing on December 13, 2006, five days following launch of AMC-18.

the licensing authority for AMC-18, has authorized temporary positioning of the spacecraft at 81° W.L., and SES Americom is only seeking authority on a non-interference basis for a handful of earth stations to communicate with the spacecraft while it is stationed there. SES Americom has committed to coordinating its operations with adjacent satellites.

Discussion

The CNC sought denial of the STA requests in a letter dated December 28, 2006.² However, the Commission should not allow this letter to jeopardize the benefits of the IPTV trial planned by SES Americom for the benefit of its rural telephone company partners.

First, the CNC Letter does not address the public interest showing made by SES Americom in support of the STA requests or demonstrate any harm to the CNC that would result from grant of the requests. To the contrary, the CNC Letter acknowledges that no Argentine-licensed satellite operates at 81° W.L. today or is expected to operate there until well after the term of the requested 30-day STAs has expired. As a result, grant of the requested STAs cannot possibly result in any interference to Argentine-licensed operations.

Second, the CNC is asking the Commission to ignore more than two decades of precedent. The Commission has repeatedly recognized the value of allowing temporary use of unoccupied orbital locations. For example, in a 1999 decision, the International Bureau noted that:

Allowing the temporary use of unused orbital resources permits the public to receive services that would not otherwise be available. Consequently, over the past two decades, the Commission has granted a variety of satellite providers temporary authority to operate at orbit locations that are not regularly assigned to them.³

The Commission also has granted U.S. market access to foreign-licensed satellites on an interim basis in similar circumstances. For example, the FCC placed the C-band payload

² The CNC Letter is captioned a petition to deny. However, it fails to satisfy the requirements of Section 25.154(a), including the requirement to submit an affidavit demonstrating that the petitioner is a party of interest and that grant of the application would conflict with the public interest. *See* 47 C.F.R. § 25.154(a)(4). Accordingly, the Commission must classify the CNC Letter as an informal objection pursuant to § 25.154(b).

³ *PanAmSat Corp.*, Order and Authorization, 15 FCC Rcd 21802, 21804 (Int'l Bur. 1999) (permitting temporary use of 60° W.L. orbital location pending launch of a regularly-licensed spacecraft with ITU priority). *See also* *SES Americom, Inc.*, Order and Authorization, 18 FCC Rcd 13143 (Sat. Div. 2003) (authorizing relocation of AMC-2 to 105° W.L. for temporary Ku-band operations).

of Telstar 13 on its Permitted Space Station List for services from 121° W.L. pending launch and commencement of operation of a satellite with higher ITU priority.⁴

The authority requested by SES Americom here falls squarely within this line of precedent. As SES Americom has demonstrated and the CNC Letter concedes, the 81° W.L. orbital location is currently unoccupied. SES Americom's proposed communications with AMC-18 while it is temporarily stationed there will permit use of an orbital resource that would otherwise remain fallow. Indeed, the sooner SES Americom completes its IPTV evaluation work, the sooner it will vacate 81° W.L.

Third, the CNC's references to ITU coordination are irrelevant under Commission precedent. The Commission has made clear that it will grant authorization of service on an interim basis without prejudice to international coordination. This policy applies not only with regard to temporary service (as here), but also with regard to permanent licenses.⁵ The CNC makes reference to its pending dispute with the U.K. Office of Communications regarding ITU priority at 81° W.L. But in granting the STAs, the FCC will be taking no position in that dispute. Accordingly, the recitations in the CNC Letter concerning Argentina's claimed priority rights at 81° W.L. have no bearing on the Commission's deliberations here.

Again, time is of the essence. Testing of AMC-18 at 80° W.L. is complete, and all necessary preparations for the proposed IP-Prime service evaluation at 81° W.L. have been made. Any delay here would conflict with customer contract commitments requiring that AMC-18 arrive at 104.95° W.L. by the 27th of this month. Accordingly, immediate Commission action is needed in order to permit the proposed evaluation work to begin as soon as possible and maximize the resulting service analysis.

For the foregoing reasons, SES Americom respectfully requests that the Commission grant the STA requests now. SES Americom is providing a copy of this letter to the CNC today by e-mail and fax so that there is no delay in such service before the Commission reaches its decision. Please address any questions concerning this matter to the undersigned.

Respectfully submitted,



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ccs: John Giusti, Acting Chief, International Bureau (by e-mail and hand)
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⁴ *Loral Spacecom Corp.*, Order, 18 FCC Rcd 16734 (Sat. Div. 2003) ("*Loral Order*").

⁵ *See, e.g., Loral Order*, 18 FCC Rcd at 16381.