

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:  
NSS-12 LEOP STA Using Earth Station E4132

1. Applicant

<b>Name:</b>	PanAmSat Licensee Corp.	<b>Phone Number:</b>	202-944-7848
<b>DBA Name:</b>		<b>Fax Number:</b>	202-944-7870
<b>Street:</b>	c/o Intelsat Corporation 3400 International Drive, N.W.	<b>E-Mail:</b>	susan.crandall@intelsat.com
<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20008 -3006
<b>Attention:</b>	Susan H Crandall		

*With Conditions*



File # SES-STA-20090922-01211

Call Sign E4132 Grant Date 10/16/09  
(or other identifier)

Term Dates  
From Launch To: + 30 days

Approved: Kathryn Madley

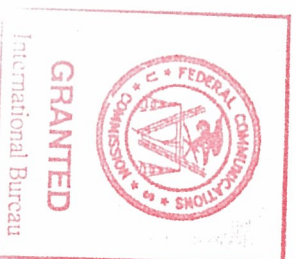
*Chief, Satellite Engg Br.*

Attachment

Conditions:

- A) PanAmSat shall notify the Commission in writing within 48 hours of commencing operation under this authorization.
- B) All operations are on a non-protected, non-interference basis.
- C) PanAmSat shall coordinate its operations with neighboring satellites with  $\pm 6$  degrees of its orbital location.
- D) PanAmSat shall immediately cease operations if interference is reported.

*With Conditions*



File # SES-SIT-20090922-01211

Call Sign E4132 Grant Date 10/16/09  
(or other identifier)

From launch To: + 30 days  
Term Dates

Approved: Katheryn Medley  
Chief, Satellite Engrs Br.

<b>2. Contact</b>	
<b>Name:</b> PanAmSat Licensee Corp.	<b>Phone Number:</b> 202-944-7848
<b>Company:</b>	<b>Fax Number:</b> 202-944-7870
<b>Street:</b> c/o Intelsat Corporation 3400 International Drive, N.W.	<b>E-Mail:</b> susan.crandall@intelsat.com
<b>City:</b> Washington	<b>State:</b> DC
<b>Country:</b> USA	<b>Zipcode:</b> 20008 -3006
<b>Attention:</b> Susan H. Crandall	<b>Relationship:</b> Legal Counsel
(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)	
3. Reference File Number or Submission ID	
4a. Is a fee submitted with this application?	
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114). <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input type="radio"/> Other (please explain):	
4b. Fee Classification CGX - Fixed Satellite Transmit/Receive Earth Station	
5. Type Request	
<input type="radio"/> Use Prior to Grant <input type="radio"/> Change Station Location <input checked="" type="radio"/> Other	
6. Requested Use Prior Date	
7. City Fillmore	8. Latitude (dd mm ss.s h) 34 24 22.0 N

9. State CA	10. Longitude (dd mm ss.s h) 118 53 34.0 W
11. Please supply any need attachments. Attachment 1: STA Request                      Attachment 2: Exhibits A – C                      Attachment 3:	
12. Description. (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.) <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">PanAmSat Licensee Corp. herein requests a grant of STA for 30 days, from October 23, 2009 through November 21, 2009, to use its Fillmore, California C-band earth station, call sign E4132, to provide LEOP services to the NSS-12 satellite that is expected to be launched on October 23, 2009.</div>	
13. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes. <input checked="" type="radio"/> Yes <input type="radio"/> No	
14. Name of Person Signing Susan H. Crandall	15. Title of Person Signing Asst. General Counsel, Intelsat Corporation
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).	

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**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**

September 22, 2009

Ms. Marlene H. Dortch  
Secretary

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554



Re: Request for Special Temporary Authority  
Fillmore, California Earth Station E4132

Dear Ms. Dortch:

PanAmSat Licensee Corp. ("PanAmSat") herein requests a grant of Special Temporary Authority ("STA")<sup>1</sup> for 30 days, from October 23, 2009 through November 21, 2009, to use its Fillmore, California C-band earth station -- call sign E4132 -- to provide launch and early orbit phase ("LEOP") services to the NSS-12 satellite that is expected to be launched on October 23, 2009.<sup>2</sup>

The NSS-12 LEOP operations will be performed in the following frequency bands:

6174.0 MHz and 6176.0 MHz (uplink); and  
3948.0 MHz, 3950.0 MHz, and 3952.0 MHz (downlink)

The LEOP operations will be coordinated with all operators of satellites that use the same frequency bands and are in the LEOP path.<sup>3</sup> All operators of satellites in that path will be provided with an emergency phone number where the licensee can be reached in the event that harmful interference occurs.

The 24x7 contact information for the NSS-12 LEOP mission is as follows:

Harry Burnham or Mike Munion  
Ph.: (202) 944-7701

In further support of this request, PanAmSat is attaching Exhibits A-C, which contain technical information that demonstrates that the operation of the earth station will be compatible with its electromagnetic environment and will not

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<sup>1</sup> PanAmSat has filed its STA request, an FCC Form 159, a \$175.00 filing fee and this supporting letter electronically via the International Bureau's Filing System ("IBFS").

<sup>2</sup> NSS-12's permanent orbital location will be 57.0° E.L.

<sup>3</sup> Space Systems Loral, which is managing the NSS-12 launch mission, is conducting the coordination.

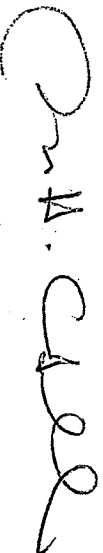
Ms. Marlene H. Dortch  
September 22, 2009  
Page 2

cause harmful interference into any lawfully operating terrestrial facility, as well as a waiver request. PanAmSat also notes that for purposes of the NSS-12 LEOP mission, it is seeking to operate in the frequencies listed in the request at power levels not to exceed 26.5 dBW. The technical information submitted with the STA request reflects a higher power level of 34.2 dBW, because that is the level at which PanAmSat might operate in the event an emergency necessitates the use of a higher power level in order to command the satellite. In the extremely unlikely event that harmful interference should occur due to transmissions to or from its earth station, PanAmSat will take all reasonable steps to eliminate the interference.

Grant of this STA request will enable PanAmSat to help launch the NSS-12 satellite. This will serve the public interest by ensuring continuity of service at the satellite's permanent location of 57.0° E.L.

Please direct any questions regarding this STA request to the undersigned at (202) 944-7848.

Respectfully submitted,



Susan H. Crandall  
Assistant General Counsel  
Intelsat Corporation

Cc: Kathryn Medley

**EXHIBIT A**

**PANAMSAT LICENSEE CORP.**

**SPECIAL TEMPORARY AUTHORITY REQUEST**

**EARTH STATION E4132**

**NSS-12 SATELLITE LEOP SERVICES**

**SEPTEMBER 22, 2009**



Exhibit A

PEITION FOR WAIVER OF SECTIONS 25.137 AND 25.114

Pursuant to Section 25.137 of the Federal Communications Commission's "Commission" or "FCC") rules, earth station applicants "requesting authority to operate with a non-U.S. licensed space station to *serve the United States*" must demonstrate that effective competitive opportunities exist and must provide the same technical information required by Section 25.114 for U.S.-licensed space stations.<sup>1</sup> PanAmSat Licensee Corp. ("PanAmSat") herein seeks authority to provide launch and early orbit phase ("LEOP") services -- not commercial services -- to the United States, and thus believes that Section 25.137 does not apply.

To the extent the Commission determines, however, that PanAmSat's request for authority to provide LEOP services on a special temporary basis is a request to serve the United States with a non U.S.-licensed satellite, PanAmSat respectfully requests a waiver of Sections 25.137 and 25.114 of the Commission's rules.<sup>2</sup> The Commission may grant a waiver for good cause shown.<sup>3</sup> The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.<sup>4</sup> In granting a waiver, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>5</sup> Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

In this case, good cause exists for a waiver of both Section 25.137 and Section 25.114. With respect to Section 25.114, PanAmSat seeks authority only to provide LEOP services for the NSS-12 satellite. The information sought by Section 25.114 is not relevant to LEOP services. Moreover, PanAmSat does not have -- and would not easily be able to obtain -- such information because PanAmSat is not the operator of the NSS-12 satellite, nor is PanAmSat in contractual privity with that operator. Rather, an affiliate of PanAmSat has a contract with Space Systems Loral, the manufacturer of the NSS-12 satellite, to conduct LEOP services for the satellite.

The information that PanAmSat is not including is not required to determine potential harmful interference. The Schedule S information for this satellite would pertain to the operation of the NSS-12 satellite at its final orbital location. However, the present

<sup>1</sup> 47 C.F.R. § 25.137 (emphasis added).

<sup>2</sup> 47 C.F.R. §§ 25.137 and 25.114.

<sup>3</sup> 47 C.F.R. §1.3.

<sup>4</sup> *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

<sup>5</sup> *WALT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

application for LEO services involves communications *prior* to the satellite attaining its final location in the geostationary orbit. In other words, during the LEO mission, the earth station will not be communicating with a satellite located in the geostationary orbit. Rather, it will be transmitting to a satellite traveling on its “transfer orbit” or “LEOP path”, which starts immediately following its separation from a launch vehicle, and ends when the satellite reaches its geostationary orbital location. Moreover, as with any STA, PanAmSat will perform the LEO services on a non-interference basis.

Because it is not relevant to the service for which PanAmSat seeks authorization, and because obtaining the information would be a hardship, PanAmSat seeks a waiver of all the information required by Section 25.114. PanAmSat has provided in this STA request the required technical information that is relevant to the LEO services for which PanAmSat seeks authorization.

Good cause also exists to waive Section 25.137. Section 25.137 is designed to ensure that “U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services” in other countries. Here, there is no service being provided by the satellite; it is simply being placed in its orbital location after separating from the launch vehicle. Thus, the purpose of the information required by Section 25.137 is not implicated here. For example, Section 25.137(d) requires earth station applicants requesting authority to operate with a non-U.S.-licensed space station that is not in orbit and operating to post a bond.<sup>6</sup> The underlying purpose in having to post a bond—*i.e.*, to prevent warehousing of orbital locations by operators seeking to serve the United States—would not be served by requiring PanAmSat to post a bond in order to provide approximately ten days of LEO services to the NSS-12 satellite.

It is PanAmSat’s understanding that NSS-12 is licensed by the Netherlands, which is a WTO-member country. It is also PanAmSat’s understanding that at its permanent orbital location of 57.0° E.L., NSS-12 will not serve the United States. Thus, the purposes of Section 25.137—to ensure that U.S. satellite operators enjoy “effective competitive opportunities” to serve foreign markets and to prevent warehousing of orbital locations serving the United States—will not be undermined by grant of this waiver request.

Finally, PanAmSat notes that it expects to operate with the NSS-12 satellite using its U.S. earth station for a period of approximately ten days. Requiring PanAmSat to obtain copious technical and legal information from an unrelated party, where there is no risk of harmful interference and the operations will cease after approximately ten days, would pose undue hardship without serving underlying policy objectives. Given these particular facts, the waiver sought herein is plainly appropriate.

<sup>6</sup> See 47 C.F.R. §25.137(d)(4).