

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Earth Station E980076

SES Americom, Inc. ("SES Americom") hereby requests special temporary authority ("STA") for a period of 30 days commencing no later than February 26, 2010 to permit earth station E980076 to communicate with the NSS-5 spacecraft in order to provide telemetry, tracking and control ("TT&C") in the conventional C-band.¹ NSS-5 is a Netherlands-licensed C- and Ku-band spacecraft operated by New Skies Satellites B.V. (doing business as "SES WORLD SKIES") that is currently in transit and expected to arrive at the 20.0° W.L. (340.0° E.L.) orbital location within the next week. SES WORLD SKIES filed a petition for declaratory ruling ("PDR") to add the conventional C-band payload on the NSS-5 satellite to the Permitted Space Station List at the 20.0° W.L. orbital location on December 8, 2009. *See* IBFS File No. SAT-PPL-20091208-00142. The PDR has not yet been accepted for filing by the Federal Communications Commission ("FCC").

As noted in the PDR, the Intelsat 603 spacecraft is currently operating in inclined orbit at 19.95° W.L. under an FCC license. In order to better serve customers from that orbital location, Intelsat and SES WORLD SKIES entered into an agreement to provide for station-kept replacement capacity at 20.0° W.L. using the NSS-5 satellite. The agreement contemplates that SES WORLD SKIES will control the satellite and operate the C-band payload under its Dutch license, and that Intelsat will operate the Ku-band payload on NSS-5 under its FCC license. Intelsat filed an application to replace the Ku-band portion of its Intelsat 603 satellite with the Ku-band payload on NSS-5 on December 8, 2009. This Intelsat application was accepted for filing and placed on public notice by the FCC on February 5, 2010. *See* IBFS File No. SAT-A/O-20091208-0014.

Full technical information regarding NSS-5 and the proposed TT&C operations is already on file with the FCC in the PDR, which included a completed Schedule S and a narrative technical appendix. *See, e.g.*, PDR narrative technical appendix at Section 5.3. SES Americom hereby incorporates these materials by reference herein. As noted in the legal narrative accompanying the PDR, Section 25.202(g) of the FCC's rules requires that TT&C functions for U.S. domestic satellites be conducted at either or both edges of the allocated frequency band.² The TT&C carriers on the NSS-5 spacecraft are located near the center of the C-band, which is a product of the historic international origins and specific design of the INTELSAT system. Thus, for the reasons set forth in the PDR, SES Americom respectfully requests a waiver of Section 25.202(g) to permit SES WORLD SKIES to conduct TT&C operations as contemplated in the PDR.

¹ TT&C functions for the NSS-5 spacecraft will be performed in the following frequencies: 6173.7 MHz and 6176.3 MHz for command (with each having a bandwidth of 900 KHz), and 3947.5 MHz, 3948.0 MHz, 3952.0 MHz, and 3952.5 MHz for telemetry (with each having a bandwidth of 500 KHz). Only the 9.3 meter antenna authorized in license E980076 will be utilized to provide these TT&C functions.

² 47 C.F.R. § 25.202(g).

SES WORLD SKIES has coordinated the proposed TT&C operations with potentially affected satellite operators consistent with industry practice and the ITU Radio Regulations. NSS-5 TT&C has been designed to operate at the 20.0° W.L. orbital location fully within the existing coordination envelope that covers Intelsat 603 today. Thus, grant of the requested STA would maintain the existing operational and interference environment for satellite systems located in this portion of the arc. Moreover, earth station E980076 is already coordinated to operate with satellites as far east as 20.0° W.L., which is where NSS-5 will be located. SES Americom will be in regular contact with SES WORLD SKIES and Intelsat to ensure that all operations occur on a non-interfering basis.

The PDR also includes a showing pursuant to the FCC's *DISCO II* framework³ applicable to use of foreign-licensed spacecraft to serve the United States. *See* PDR, legal narrative at 4-8. The instant STA request, however, does not seek authority to use NSS-5 to offer service to U.S. customers. Instead, SES Americom seeks to use earth station E980076 only for TT&C operations. Use of a U.S.-licensed earth station to communicate with a foreign-licensed satellite for TT&C purposes only does not raise the types of market access and competitive parity issues underlying the *DISCO II* framework. However, to the extent that the Commission believes that a *DISCO II* showing is required here, SES Americom incorporates by reference the showing provided in the PDR.

The requested STA will support deployment of NSS-5 for service to the public by permitting SES Americom to perform TT&C functions for the spacecraft and is, therefore, in the public interest.

³ *See Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Services in the United States*, 12 FCC Rcd 24094 (1997) ("*DISCO II*").