

Exhibit A:

Statement in Support of Media Networks Services USA Inc.'s Request for Special Temporary Authorization

Pursuant to Section 25.120 of the Federal Communications Commission (the "Commission") Rules,¹ Media Networks Services USA Inc. ("MN USA") hereby provides this statement in support of its request for a Special Temporary Authorization ("STA"). Specifically, MN USA's request seeks STA to operate a transmit/receive Ka-band satellite earth station in Laredo, Texas in communication with Hispamar Satelites, S.A.'s ("Hispamar") Amazonas-3 satellite on a non-common carrier basis for the purposes of (a) testing its uplink and downlink communications with Amazonas-3; and (b) providing commercial Internet access services as described in MN USA's pending Application for Transmit/Receive Satellite Earth Station License (the "Application").² As discussed herein, MN USA submits that a grant of the STA request will further the public interest. STA is sought for a period of 60 days beginning on June 17, 2013, as described further herein.

As additional background and support for the STA request, MN USA states as follows:

1. MN USA Laredo, Texas Earth Station: MN USA filed the Application on February 19, 2013 and submitted an amendment to the Application on May 31, 2013 (the "Amendment").³ The Application, as amended, requests a license for operation of a transmit/receive Ka-band satellite earth station located in Laredo, Texas using satellites on the Commission's Ka-band Permitted List as points of communication to provide non-common carrier, data only, services to customers in Latin America.⁴ MN USA intends to use a ViaSat VA-91-KA 9.1M Antenna operating in the Fixed Satellite Service ("FSS") with geostationary satellites ("GSO").⁵ MN USA has requested primary use of the 18.3–18.8 GHz; 19.7–20.2 GHz; 28.35–28.6 GHz; and 29.5–30.0 GHz "Ka-band" frequencies, as well as the 28.10-28.35 GHz band for uplink operations on a secondary basis.⁶ In support of its Application, MN USA has submitted (i) a Radiation Hazard Study determining radiation levels for its proposed antenna; and (ii) a Comsearch Frequency Coordination Report reflecting prior coordination of MN USA's Laredo, Texas earth station and no objections to its proposed operation by any notified licensees, including Local Multipoint Distribution Service (LMDS) stations having primary use of the

¹ 47 C.F.R. § 25.120.

² Media Networks Services USA Inc. Application for Transmit/Receive Satellite Earth Station License, File No. SES-LIC-20130219-00188 (Application filed February 19, 2013) (herein after cited as "Application").

³ *Id.*; see also Amendment filed May 31, 2013 (herein after cited as "Amendment").

⁴ Application and Amendment at 1-4.

⁵ *Id.* at 6.

⁶ *Id.*

28.10-28.35 GHz band.⁷ MN USA's Application was previously placed on Public Notice⁸ and the Amendment is not "major" and therefore does not require a second public notice period under Section 25.116(b) of the Commission's rules. MN USA's Application, as amended, remains pending and is incorporated herein by this reference.

2. Amazonas-3 Space Station: Amazonas-3 is a Brazilian licensed satellite, owned by Hispamar, positioned at the 61° W.L. orbital location and currently in operation. Amazonas-3 has been added to the Commission's Permitted List for the C-band and Ku-band and is currently licensed and operational for communication with locations in the U.S. in these bands.⁹ Hispamar has requested that Amazonas-3 be added to the Commission's Permitted List for the Ka-band and its petition to that effect was filed on March 21, 2013 and remains pending.¹⁰ Hispamar has also requested that Amazonas-3 be permitted to use the 28.10-28.35 GHz frequency band to support gateway uplink operations on a secondary basis.¹¹ Amazonas-3 is operational in the Ka-band but it does not currently use such frequencies in connection with services provided in the

⁷ Application Exhibits A, C.

⁸ Two petitions were filed against MN USA's Application during the Public Notice period. *See* Commission Public Notice Report No. SES-01536 at 2 (March 20, 2013). The comments of both petitioners, Ob3 Limited and Iridium Satellite LLC, were limited to certain frequency bands included in MN USA's Application, essentially asserting that the request was overbroad in that it was not limited to the particular "Ka-band" frequencies. As articulated in MN USA's Response to the petitions and fully addressed in the Amendment itself, MN USA has clarified the particular frequency bands requested and identified its proposed use only of Amazonas-3 in the 28.10-28.35 GHz band. *See* MN USA Response to Petition to Hold in Abeyance Pending Clarification and Petition to Dismiss ("Response") (May 17, 2013) at 2; *see also* Amendment Exhibit A. Accordingly, MN USA's Application, as amended, has rendered the petitions moot and has respectfully requested that the petitions be dismissed.

⁹ *See* File No. SAT-PPL-20121018-00183 Hispamar Satellites, S.A. Petition for Declaratory Ruling to Add Amazonas-3 Satellite at 61° W.L. to the Commission's Ka-band Permitted Space Station List ("*Amazonas-3 Permitted List Petition*"), FCC Grant Dated March 14, 2013.

¹⁰ *See* File No. SAT-MPL-20130321-00050, Hispamar Satellites, S.A. Modified Petition for Declaratory Ruling to Add Amazonas-3 Satellite at 61° W.L. to the Commission's Ka-band Permitted Space Station List ("*Amazonas-3 Modified Ka-band Petition*") (filed March 21, 2013). Hispamar's *Amazonas-3 Permitted List Petition* requested that Amazonas-3 be added to the Permitted Lists for the Ka-band, C-band and Ku-bands. The FCC granted the request as to the C and Ku-bands and dismissed the Ka-band portion of the request without prejudice to refiling because the 61° W.L. orbital location was not available for U.S. Ka-band operations at that time. Within days, the Commission issued a Public Notice in which it announced that 17.8-20.2 GHz Ka-band frequencies at the 60° W.L. and 69° W.L. orbital locations, as well as orbital locations less than two degrees away from these locations, would be available for assignment effective 2:00pm on March 19, 2013. *See* Commission Public Notice Report No. SAT-00936, DA No. 13-443 at 2 (March 15, 2013). In its *Amazonas-3 Modified Ka-band Petition*, Hispamar re-filed its request that Amazonas-3 be added to the Ka-band Permitted List, restated that Amazonas-3 meets the requirements for inclusion on the Ka-band Permitted List and incorporated by reference the required showings and technical information included in Hispamar's initial *Amazonas-3 Permitted List Petition*.

¹¹ *Amazonas-3 Permitted List Petition*, Section 25.114(c) Technical Information at 2-3 (stating that authority is sought to use the 28.1-28.35 GHz band "to support gateway uplink operations on a secondary basis").

United States. In support of its *Amazonas-3 Modified Ka-band Petition*, Hispamar submitted information (both initially and by reference to the *Amazonas-3 Permitted List Petition*, File No. SAT-PPL-20121018-00183) to demonstrate compliance with Sections 25.114 and 25.137 of the Commission's rules, consisting of, among other things, a completed Form 312 Schedule S providing the technical details of the Amazonas-3 Ka-band operations, as well as a showing that Hispamar and Amazonas-3 had met the requirements set forth in the *DISCO II first Reconsideration Order*.¹² MN USA respectfully submits that such information is sufficient to support Hispamar's petition to have Amazonas-3 added to the Ka-band Permitted List and incorporates such information herein by this reference.

3. STA Request: MN USA is requesting STA for a period of 60 days beginning June 17, 2013 in order to conduct testing of its communications links with Amazonas-3, as well as provide commercial services, consistent with MN USA's proposed services as reflected in its pending Application, as amended. The STA is intended to allow the MN USA earth station to communicate with Amazonas-3 during the pendency of Hispamar's *Amazonas-3 Modified Ka-band Petition*. MN USA will be using the same frequencies identified in its Application, as amended, which have been prior coordinated and will be using the same power levels that are described in the Radiation Hazard Study accompanying the Application as Exhibit A and the same other technical parameters identified in the Application, as amended. MN USA intends to use Amazonas-3 exclusively as its point of communication during the STA period. MN USA submits its STA request conforms to the requirements of Section 25.120 of the Commission's rules and is consistent with prior Commission action.

Section 25.120(a): MN USA's description of the operations of its Laredo, Texas earth station (and incorporation of MN USA's Application, as amended) and the Amazonas-3 satellite (and incorporation of Hispamar's *Amazonas-3 Permitted List Petition* and *Amazonas-3 Modified Ka-band Petition*) constitute "the full particulars of the proposed" operation as required by Section 25.120(a) of the Commission's rules.

Section 25.120(b): MN USA's request for a 60 day STA period is consistent with Section 25.120(b)(3) of the Commission's rules because the requested STA authority is the same as MN USA's request for regular authority to communicate with satellites on the Ka-band Permitted List, including Amazonas-3 in the event it is ultimately added, as reflected in the Application, as amended.¹³ Also, consistent with Rule 25.120(b)(1), MN USA submits, as discussed below, extraordinary circumstances exist necessitating the requested STA operations in furtherance of the public interest.

¹² See 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*, 12 FCC Rcd 24094 (1997), *recon.* 15 FCC Rcd 7207 (1999) (*DISCO II First Reconsideration Order*).

¹³ MN USA respectfully submits that its STA request satisfies the conditions of Section 25.120(b)(3) and is eligible for an STA period of 60 days. Nevertheless, MN USA is willing to accept a grant of STA that is limited to a STA period of 30 days and/or for testing alone if deemed necessary by the Commission in order that the STA request can be processed more expediently or is viewed by the Commission as uniquely consistent with its Rules.

Section 25.120(c): Pursuant to Section 25.120(c) of the Commission's rules, MN USA states that FAA notification is not required and incorporates by reference its statement in Exhibit B to the Application explaining why such notification is not required.

Consistent with Prior Commission Action: MN USA submits that its request for STA to communicate with a foreign-licensed satellite is consistent with recent Commission action. For example, in September 2012, the Commission granted a request for STA by NewCom International, Inc. ("NewCom") to use the Russian satellite AM44 as a point of communication for NewCom's earth station even though AM44 was not U.S.-licensed and had not previously been added to any Commission Permitted List or granted market access.¹⁴ As in the NewCom STA request, MN USA submits that it has made the showing required by Rule 25.137 by incorporating by reference the technical information for Amazonas-3 and requests that the Commission also grant its request for STA.

4. Public Interest: MN USA's request for STA to provide commercial services in Latin America using Amazonas-3 as a point of communication, and the testing needed to ensure coordination and connectivity prior to the actual provision of such services, furthers the public interest as reflected by the Commission's grant of STA in similar circumstances.¹⁵ The end users of MN USA's Latin American customers will be households that currently do not have broadband access to the Internet. Thus, MN USA's requested STA will increase the availability of high-speed Internet access and diversity of information in areas where it is otherwise limited or not available, thus furthering the opportunity for equal access to information in these areas, as well as developmental opportunities. Further, MN USA's request for STA to conduct testing is necessary to ensure coordination and connectivity with Amazonas-3 prior to transmitting customer traffic and furthers the interest in providing consistent and reliable communications services. As a technical matter, Amazonas-3 is capable of providing the requested services at this time. Allowing Amazonas-3 and MN USA to provide services that will ultimately be used by end users in Latin America promotes the Commission's recognized interest in utilizing current capabilities to provide services that would otherwise not be provided.

Moreover, MN USA's requested operations during the STA period will not cause interference or compromise the ability of any licensee to provide authorized services. As noted, MN USA's Application includes a Comsearch Frequency Coordination Report reflecting prior coordination of MN USA's Laredo, Texas earth station and no objections to its proposed

¹⁴ See File SES-STA-20120629-00623, NewCom International, Inc. Application for Earth Station Special Temporary Authority (FCC Grant dated September 24, 2012).

¹⁵ *Id.* In that case, the Commission granted NewCom's request for STA upon NewCom's showing that the public interest would be served by allowing telemetry, tracking and command functions because such operations would ensure safe operation once permanent services were available. (NewCom STA Request at 2) See also In the Matter of Echostar Satellite Operating Co. Application for Special Temporary Authority Related to Moving the EchoStar 6 Satellite from the 77° W.L. Orbital Location to the 96.2° W.L. Orbital Location, and to Operate at the 96.2° W.L. Orbital Location (File No. SAT-STA-20130220-00023), *Order and Authorization*, ¶9 (April 1, 2013) (expressing the permissibility of use of satellite operations at unused orbit locations on a temporary basis and finding such use to be in the public interest because it allows the public to receive services that would otherwise not be available).

operation by any notified licensees, including Local Multipoint Distribution Service (LMDS) stations having primary use of the 28.10-28.35 GHz band.¹⁶ Also, MN USA has acknowledged that its use of the 28.10-28.35 GHz band is secondary and has committed to ceasing any operations upon notification of interference from authorized LMDS stations.¹⁷ Additionally, Hispamar has stated that its operation of Amazonas-3 in the Ka-band will not cause harmful interference to or require protection from adjacent satellite operations.¹⁸

Further, MN USA was diligent in the filing of its Application and it is only the result of unforeseeable and atypical events that it is in the position of requesting this STA. Specifically, in anticipation of the processing of Hispamar's original *Amazonas-3 Permitted List Petition*, MN USA's Application timely sought authority to use Ka-band Permitted List satellites as Points of Communication.¹⁹ Given Amazonas-3's inclusion on the Permitted List for the C and Ku-bands, MN USA further anticipated that the inclusion of Amazonas 3 on the Ka-band Permitted List would occur without significant delay. However, as described above, the Commission dismissed the Ka-band portion of Hispamar's request without prejudice to refiling because the 61° W.L. orbital location was not available for U.S. Ka-band operations at that time. Following the Commission's notice that the 60° W.L. orbital location (and locations within two degrees) were available for assignment, Hispamar re-filed its request that Amazonas-3 be added to the Ka-band Permitted List and is awaiting approval of its request.

For the foregoing reasons, MN USA requests that the Commission grant its request for STA to use Amazonas-3 as a point of communication for purposes of providing commercial services, and testing prior to the provision of such services, for a period of 60 days.

¹⁶ Application at Exhibit C.

¹⁷ Amendment Exhibit A at ¶8.

¹⁸ *Amazonas-3 Permitted List Petition* at 2-3.

¹⁹ Application at 2.