

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:
STA for KA288 to provide TT&C for ASTRA 3A Move to 177W

1. Applicant

Name: SES Americom, Inc. Phone Number: 202-478-7137
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Street: 1129 20th Street NW E-Mail: daniel.mah@ses.com
Suite 1000
City: Washington State: DC
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Attention: Daniel C.H. Mah

180 days

'with conditions'

File # SES-STA-20130722-00653



Call Sign KA288 Grant Date 09/26/2013
(or other identifier)

Term Dates

From 10/11/2013 To: 04/08/2014

Approved: Paul E. Mah

Conditions:

Applicant: SES Americom, Inc.

File Number: SES-STA-20130722-00653


Call Sign: KA288

SES Americom, Inc., is granted, under the following conditions, Special Temporary Authority for 180 days, beginning on or about October 11, 2013, to permit SES to communicate with the Luxembourg-licensed ASTRA 3A space station from its fixed earth station in Somis, CA, to provide tracking, telemetry and command services in the 11.45-11.7 GHz and 12.5-12.75 GHz (space-to-Earth) and the 14.0-14.5 GHz (Earth-to-space) frequency bands during the planned relocation of ASTRA 3A from its current location at 23.7° E.L. to the 176.85° W.L. orbital location. SES is not seeking U.S. market access.

Conditions:

1. Operations under this authority are on a non-interference basis only.
2. Operations under this authority are on a non-protected basis only.
3. In the event that there is a report of interference, SES Americom, Inc. must immediately terminate transmissions and notify the FCC in writing.
4. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at SES Americom, Inc. risk.
5. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately.

180 days *"with conditions"*

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|  GRANTED International Bureau | File # <u>SES-STA-20130722-00653</u> |
| | Call Sign <u>KA288</u> Grant Date <u>09/26/2013</u> (or other identifier) |
| | Term Dates From <u>10/11/2013</u> To <u>04/08/2014</u> |
| | Approved: <u>Paul E. Blech</u> |
| | |

2. Contact

Name: Karis Hastings **Phone Number:** 202-599-0975
Company: SatCom Law LLC **Fax Number:**
Street: 1317 F Street, N.W. **E-Mail:** karis@satcomlaw.com
Suite 400
City: Washington **State:** DC
Country: USA **Zipcode:** 20004 -
Attention: **Relationship:** 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?

If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

Governmental Entity Noncommercial educational licensee

Other (please explain):

4b. Fee Classification CGX – Fixed Satellite Transmit/Receive Earth Station

5. Type Request

Use Prior to Grant

Change Station Location

Other

6. Requested Use Prior Date

7. City/Somis

8. Latitude
(dd mm ss.s h) 34 19 31.0 N

| | |
|--|---|
| 9. State CA | 10. Longitude (dd mm ss.s h) 118 59 44.4 W |
| 11. Please supply any need attachments. Attachment 1: STA Narrative | Attachment 2: 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;"> <p>SES Americom, Inc. requests special temporary authority for a period of up to 180 days to permit earth station KA288 to communicate with the ASTRA 3A spacecraft in order to provide telemetry, tracking and control during and after drift of the satellite to 177 W.L.</p> </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. | <p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p> |
| 14. Name of Person Signing Daniel C.H. Mah | 15. Title of Person Signing Regulatory Counsel |
| <p style="text-align: center;">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).</p> | |

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|--|---|---------------------------|
| In the Matter of Application by |) | |
| |) | |
| SES AMERICOM, INC. |) | Call Signs KA288, E920698 |
| |) | |
| For Special Temporary Authority to |) | |
| Communicate with ASTRA 3A to Perform |) | |
| TT&C During Relocation to 176.85° W.L. |) | |
| And On-Station at 176.85° W.L. |) | |

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

By this application, SES Americom, Inc. (“SES Americom”) respectfully requests earth station special temporary authority (“STA”) for a period of 180 days, beginning on or about October 11, 2013, to permit SES to communicate with the ASTRA 3A spacecraft in order to provide Tracking, Telemetry and Command (“TT&C”): (1) during the planned relocation of the spacecraft from its current position at 23.7° E.L. to 176.85° W.L.; and (2) once the satellite arrives on-station at 176.85° W.L. (+/- 0.10° east/west stationkeeping). The call signs of the earth stations for which STA is requested are listed in the caption above. One of the earth stations (Call Sign E920698) will be used for drift only. The other earth station (Call Sign KA288) will be used for drift and on-station TT&C at 176.85° W.L. At that orbital location, ASTRA 3A will provide commercial service in the Ku-band frequencies to eastern Russia.¹

SES Americom’s affiliate, SES ASTRA S.A. (“SES ASTRA”), holds an authorization from the Luxembourg Ministry of State, Office of Media and Communications² for

¹ ASTRA 3A will provide service to eastern Russia using the 11.45-11.7 GHz and 12.5-12.75 GHz space-to-Earth (downlink) bands and the 14.0-14.5 GHz Earth-to-space (uplink) bands.

² Ministère d’État, Service des Médias et des Communications of the Grand Duchy of Luxembourg.

the ASTRA 3A Ku-band spacecraft. SES ASTRA has requested that SES Americom provide TT&C to support the planned relocation of ASTRA 3A to 176.85° W.L. Upon arrival at the nominal 177° W.L. orbital location, ASTRA 3A will join the NSS-9 spacecraft and will operate in inclined orbit pursuant to an authorization from the Netherlands held by New Skies Satellites B.V. (“New Skies”).³

SES Americom’s application is limited to a request for authority to use two U.S. earth stations to perform TT&C with ASTRA 3A using certain Ku-band frequencies. SES is not seeking U.S. market access or any other authorization from the Commission in relation to the non-U.S.-licensed ASTRA 3A spacecraft, and therefore is not providing full technical information about the ASTRA 3A satellite as part of this application.⁴ Details regarding the ASTRA 3A TT&C operations, including link budgets and interference analysis, are provided in Attachment 1 to this request. A basic technical description of the satellite’s proposed operations over eastern Russia, and an orbital debris mitigation statement for ASTRA 3A, are provided in Attachment 2 and Attachment 3, respectively, for the Commission’s information.

As discussed below, communications with ASTRA 3A will not adversely affect the operation of any adjacent satellites. Relocation of ASTRA 3A is scheduled to begin later this year, and SES seeks action on this request no later than October 11, 2013, to accommodate that schedule. ASTRA 3A is expected to remain at 176.85° W.L. until its projected end-of-life.

³ The U.N. registration of the ASTRA 3A spacecraft will not change at 176.85° W.L. *See* Permanent Mission of Luxembourg, *Note Verbale*, A/AC.105/INF.412 (Dec. 5, 2005) (providing information for ASTRA 3A to the UN Committee on the Peaceful Uses of Outer Space in conformity with General Assembly resolution 1721 B (XVI) by States launching objects into orbit or beyond). SES Americom, SES ASTRA and New Skies are all wholly owned affiliates of SES S.A. (“SES”).

⁴ *See* Waiver Requests, *infra*.

Grant of STAs Will Serve the Public Interest. Grant of this STA request is in the public interest. The requested TT&C authority will facilitate the safe operation of ASTRA 3A during relocation of the spacecraft and on-station at 176.85° W.L.

No Harmful Interference to Other Spacecraft. TT&C transmissions during drift of ASTRA 3A will be on a non-harmful interference basis. The drift of the spacecraft will be coordinated with other satellite operators consistent with industry practice.⁵

At 176.85° W.L., the nearest Ku-band satellite (Intelsat 18) is more than three degrees away at 180° W.L. Accordingly, the proposed use of large, two-degree-spacing compliant earth stations to perform TT&C with ASTRA 3A at 176.85° W.L. poses no risk of harmful interference to adjacent satellites.⁶

Waiver Requests. SES requests limited waivers of the Commission's requirements in connection with the instant STA request. Grant of these waivers is consistent with Commission policy:

The Commission may waive a rule for good cause shown. Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule. Generally, the Commission may grant a waiver of its rules in a particular case if the relief requested would not undermine the policy objective of the rule in question and would otherwise serve the public interest.⁷

Sections 25.137 and 25.114. SES requests a waiver of Section 25.137 and the other Commission rules cross-referenced therein. SES seeks special temporary authority in

⁵ The 24/7 point of contact for the proposed ASTRA 3A operations is the SES Payload Management Operations Centre (PMOC) in Woodbine, MD, 1 800 772 2363 or 1 410 970 7570; e-mail: PMOC@ses.com.

⁶ See Attachment 1.

⁷ *PanAmSat Licensee Corp.*, 17 FCC Rcd 10483, 10492 (Sat. Div. 2002) (footnotes omitted).

connection with TT&C for ASTRA 3A, a foreign-licensed spacecraft. Section 25.137 requires that applicants proposing to use U.S.-licensed earth stations to communicate with foreign-licensed spacecraft demonstrate that the Commission's policies for U.S. market access are satisfied. Section 25.137 also incorporates by reference other requirements for Commission-licensed space stations, including the obligation to file detailed technical information as specified in Section 25.114.

By its terms, Section 25.137 is inapplicable to the instant STA request. The rule's requirements come into play only when a non-U.S.-licensed satellite is to be used to "serve the United States."⁸ Here, the SES earth stations will be used solely for TT&C, not for commercial operations. Thus, SES is not seeking to have its earth stations communicate with ASTRA 3A for purposes of providing U.S. service within the meaning of Section 25.137.

To the extent the Commission disagrees, SES requests a waiver of the market access and other requirements imposed in Section 25.137. Grant of a waiver will not undermine the objectives of these requirements. The market access test described in the rule is intended to ensure that U.S.-licensed systems have "effective competitive opportunities."⁹ Because SES Americom is not seeking authority to provide commercial services in the United States, the requested STA does not raise any concerns about competitive equality.¹⁰

Strict adherence with Section 25.114's requirements for detailed technical information is also unnecessary and would be unduly burdensome. SES Americom is proposing

⁸ 47 C.F.R. § 25.137(a).

⁹ *Id.*

¹⁰ In any event, the ASTRA 3A spacecraft at 176.85° W.L. will be operating under the authority of The Netherlands, a WTO member country, and therefore is exempt from the requirement to make a showing of effective competitive opportunities. 47 C.F.R. § 25.137(a)(2).

only to use the earth stations for the limited purpose of TT&C during drift and on-station operations of the spacecraft at 176.85° W.L, and the relevant technical characteristics of those transmissions are described herein. The planned drift will be coordinated with nearby satellite operators, consistent with industry practice, and transmissions to the spacecraft will be conducted on a non-harmful interference basis. Upon arrival on-station, the spacecraft will be used to provide service outside the United States. In these circumstances, no valid purpose would be served by requiring a complete technical description of the ASTRA 3A spacecraft.

SES' request is consistent with Commission precedent. In similar cases in which limited communications by U.S. earth stations with a foreign-licensed satellite were proposed, the Commission has granted STA without requiring a market access showing under Section 25.137 or full technical data as required by Section 25.114.¹¹

Section 2.106 Footnote NG104 and Section 25.202(a)(1) Footnote 2. To the extent that reception of telemetry at 11450.25 MHz and 11699.50 MHz constitutes a domestic (*i.e.*, non-international) service, SES Americom respectfully requests a limited waiver of the international-service-only restriction.¹² Such a waiver is warranted in the circumstances for the limited purpose of TT&C. As the Commission has recognized, TT&C operations generally require uplink and downlink capability from the same earth station. For this reason, the

¹¹ *See, e.g.*, PanAmSat Licensee Corp., File Nos. SES-STA-20090922-01211 (Call Sign E4132) & SES-STA-20090922-01212 (Call Sign E040125), both grant-stamped Oct. 16, 2009 (granting authority for earth stations to communicate with foreign-licensed NSS-12 spacecraft for purposes of providing launch and early operations services).

¹² 47 U.S.C. § 2.106 Footnote NG104; 47 U.S.C. § 25.202(a)(1) Footnote 2.

Commission has previously granted waivers of the international service restriction to enable TT&C to be performed in the U.S. using the extended Ku-band frequencies.¹³

Grant of the requested waiver would not undermine the purpose of the restriction, which is to ensure that earth station deployments in the extended Ku-band do not negatively impact the deployment of fixed service (“FS”) in the same band or cause interference to such operations. The telemetry downlink from ASTRA 3A in the extended Ku-band are narrow in bandwidth, and will comply with the power flux density limits in the Commission’s rules and, thus, will not interfere with FS station operations. Moreover, only a small number of U.S. earth stations will be used to perform TT&C in the extended Ku-band.¹⁴ Once ASTRA 3A is on-station at 176.85W, TT&C will be performed by two U.S. earth stations: (1) the KA288 earth station in South Mountain, California, operated by SES Americom, and (2) an earth station in Honolulu, Hawaii, operated by Hawaii Pacific Teleport.¹⁵ As a result, there will be no significant restrictions placed on the deployment of FS in this band.

Section 25.210(j). The ASTRA 3A satellite is authorized by the Netherlands to operate at 176.85° W.L. within a +/- 0.10° east/west stationkeeping box. To the extent necessary, SES Americom respectfully requests a waiver of Section 25.210(j) of the Commission’s rules, which requires geostationary space stations to be operated within a +/- 0.05° east/west stationkeeping box. The Commission has previously waived this rule based

¹³ See, e.g., EchoStar KuX Corporation, 20 FCC Rcd 919 (Int’l Bur. 2004) (“EchoStar 83W Order”); EchoStar Satellite LLC, 20 FCC Rcd 930 (Int’l Bur. 2004) (“EchoStar 109W Order”); EchoStar KuX Corporation, 20 FCC Rcd 942 (2004) (“EchoStar 121W Order”).

¹⁴ See EchoStar 83W Order at ¶ 16 (“The Commission has waived this [NG104] requirement where the number of potential earth stations in a particular service is inherently small.”); EchoStar 109W Order at ¶ 16 (same); EchoStar 121W Order at ¶ 17 (same).

¹⁵ Hawaii Pacific Teleport will be submitting a separate application to use its antenna to perform TT&C with ASTRA 3A.

on a finding that allowing an increased stationkeeping volume would “not adversely affect the operations of other spacecraft, and would conserve fuel for future operations.”¹⁶

The facts here fit squarely within this precedent. Allowing ASTRA 3A to be maintained within an increased stationkeeping volume will not harm other operators. ASTRA 3A’s stationkeeping volume will not overlap with that of any other satellites. In addition, allowing ASTRA 3A to be flown at 176.85° W.L. in an expanded east-west stationkeeping volume of +/-0.1 degrees will result in fuel savings for the spacecraft. This will prolong the time during which ASTRA 3A will be available to provide service to eastern Russia. Under these circumstances, grant of any necessary waiver of Section 25.210(j) will serve the public interest.

SES hereby certifies that no party to this application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

For the foregoing reasons, SES respectfully requests special temporary authority to communicate with ASTRA 3A for a period of up to 180 days in order to provide TT&C during relocation of the satellite and once it is on station, as described herein. Grant of the requested authority will promote safe operation of the satellite during its relocation.

Respectfully submitted,

SES AMERICOM, INC.

By: /s/ Daniel C.H. Mah

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Dated: July 22, 2013

¹⁶ See File Nos. SAT-MOD-20080124-00030 & SAT-AMD-20080311-00070, grant-stamped May 19, 2008, Attachment at ¶ 1.