

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

In the Matter of Application by)
)
Hawaii Pacific Teleport, L.P.) SES- _____
)
For Special Temporary Authority to)
Communicate with ASTRA 3A to Perform)
TT&C On-Station at 176.85° W.L.)

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

By this submission, Hawaii Pacific Teleport, L.P. (“HPT”) respectfully requests earth station special temporary authority (“STA”) for a period of 60 days, beginning on or about November 20, 2013, to permit HPT to utilize a new 8.1 meter Ku-band fixed transmit/receive antenna (to be added to the E030115 earth station license) to provide Tracking, Telemetry and Command (“TT&C”) services temporarily as the ASTRA 3A spacecraft approaches and arrives on-station at 176.85° W.L. (+/- 0.10° east/west stationkeeping) after the spacecraft’s planned relocation from its current position at 23.7° E.L. to 176.85° W.L.¹ In support of this STA request, HPT is also attaching detailed technical information which demonstrates that the operation of the earth station will be compatible with its electromagnetic environment and will not cause harmful interference to any lawfully operating facility.

¹ HPT has also separately filed an application to modify Earth Station License E030115 to add a new 8.1 meter antenna and to perform long-term TT&C of ASTRA 3A once it reaches 176.85° W.L. See File No. [INSERT]. This new antenna will be located at 21 deg 20' 9.2" N, 158 deg 5' 18.1" W, which is within one arc second of the geographic coordinates of the E030115 license.

The Commission has already granted a number of earth station STAs to relocate and perform TT&C for the ASTRA 3A satellite at 176.85W.² Grant of this additional STA will serve the public interest by ensuring safe operation of the satellite en route to and at that orbital location.

I. STA REQUEST

SES Americom, Inc.'s ("SES Americom's") affiliate, SES ASTRA S.A. ("SES ASTRA"),³ has requested that SES Americom and HPT 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").⁴ By separate application,⁵ SES Americom has requested STA for Call Sign E920698, which will be used for drift only, and Call Sign KA288, which 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-

² File Nos. SES-STA-20130722-00653, granted September 26, 2013; SES-STA-20130722-00654, granted September 26, 2013; and SES-STA-20130912-00800, granted September 26, 2013.

³ SES ASTRA holds an authorization for the ASTRA 3A Ku-band spacecraft from the Luxembourg Ministry of State, Office of Media and Communications Ministère d'État, Service des Médias et des Communications of the Grand Duchy of Luxembourg.

⁴ 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")

⁵ File No. SES-STA-20130722-00654 (granted September 26, 2013) ("*SES STA Application*").

band frequencies to eastern Russia.⁶ 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 Somis, California, operated by SES Americom, and (2) an earth station in Kapolei, Hawaii, operated by HPT.

HPT's application is limited to a request for special temporary authority ("STA") to use E030115 to perform TT&C with ASTRA 3A using certain Ku-band frequencies. HPT 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 request.⁷ However, details regarding the ASTRA 3A TT&C operations, including link budgets and interference analysis, are available in Attachment 1 to SES Americom's STA request application.⁸ A basic technical description of the satellite's proposed operations over eastern Russia, and an orbital debris mitigation statement for ASTRA 3A, are also available as Attachment 2 and Attachment 3 of the SES STA Application, respectively, for the Commission's information.⁹

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 HPT seeks action on this request no later than November 20, 2013, to accommodate that schedule. ASTRA 3A is expected to remain at 176.85° W.L. until its projected end-of-life.

⁶ 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.

⁷ See Waiver Requests, *infra*.

⁸ See SES STA Application.

⁹ *Id.*

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.¹⁰

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.¹¹

II. WAIVER REQUESTS

HPT requests limited waivers of the Commission's requirements in connection with the instant STA request. Grant of these waivers is consistent with Commission policy and is consistent with requests made by SES in its STA request:

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.¹²

¹⁰ 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.

¹¹ See *SES STA Application, Attachment 1*.

¹² *PanAmSat Licensee Corp.*, 17 FCC Rcd 10483, 10492 (Sat. Div. 2002) (footnotes omitted).

The Commission has granted identical waivers in connection with SES's earth station STA requests for the relocation of ASTRA 3A to 176.85W after full public notice and opportunity for comment. (File Nos. SES-STA-20130722-00653, granted September 26, 2013; SES-STA-20130722-00654, granted September 26, 2013; and SES-STA-20130912-00800, granted September 26, 2013.)

Sections 25.137 and 25.114. HPT requests a waiver of Section 25.137 and the other Commission rules cross-referenced therein. HPT seeks special temporary authority in 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."¹³ Here, the HPT earth station will be used solely for TT&C, not for commercial operations. Thus, HPT is not seeking to have its earth station communicate with ASTRA 3A for purposes of providing U.S. service within the meaning of Section 25.137.

To the extent the Commission disagrees, HPT requests a waiver of the market access and other requirements imposed by 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

¹³ 47 C.F.R. § 25.137(a).

ensure that U.S.-licensed systems have “effective competitive opportunities.”¹⁴ Because HPT is not seeking authority to provide commercial services in the United States, the requested STA does not raise any concerns about competitive equality.¹⁵

Strict adherence with Section 25.114’s requirements for detailed technical information is also unnecessary and would be unduly burdensome. HPT is proposing only to use the earth station for the limited purpose of TT&C during on-station operations of the spacecraft at 176.85° W.L, and the relevant technical characteristics of those transmissions are described in SES Americom’s corresponding application. 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.

HPT’s 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 25.114.¹⁶

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-

¹⁴ *Id.*

¹⁵ 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).

¹⁶ *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).

international) service, HPT respectfully requests a limited waiver of the international-service-only restriction.¹⁷ 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 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.¹⁸

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 is 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.¹⁹ 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 Somis, California, operated by SES Americom, and (2) the E030115 earth station in Kapolei, Hawaii, operated by HPT pursuant to the instant STA request. As a result, there will be no significant restrictions placed on the deployment of FS in this band.

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

¹⁸ *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”).

¹⁹ *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).

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, HPT 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 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."²⁰

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.

III. CERTIFICATION

HPT 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.

²⁰ See File Nos. SAT-MOD-20080124-00030 & SAT-AMD-20080311-00070, grant-stamped May 19, 2008, Attachment at ¶ 1.

IV. CONCLUSION

For the foregoing reasons, HPT respectfully requests special temporary authority (“STA”) for E030115 to communicate with ASTRA 3A for a period of up to 60 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,

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