

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

In the Matter of Application by)	
)	
Hawaii Pacific Teleport, L.P.)	Call Sign E030115
)	
For Special Temporary Authority to)	
Communicate with ASTRA 3A to Perform)	
TT&C During Relocation to 86.85° W.L.)	

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

By this application, Hawaii Pacific Teleport, L.P. (“HPT”) respectfully requests earth station special temporary authority (“STA”) for a period of 30 days, beginning on or about June 15, 2016, to permit HPT to use its E030115 earth station to communicate with the ASTRA 3A spacecraft in order to provide Tracking, Telemetry and Command (“TT&C”) during the planned relocation of the spacecraft from its current position at 176.85° W.L. to 86.85° W.L.

HPT currently provides teleport services to SES Americom, Inc. and is authorized to provide TT&C services to ASTRA 3A at 176.85° W.L. An affiliate of SES Americom, SES ASTRA S.A. (“SES ASTRA”), holds an authorization from the Luxembourg Ministry of State, Office of Media and Communications¹ for the ASTRA 3A Ku-band spacecraft. SES ASTRA has requested that SES Americom and HPT assist with providing TT&C to support the planned relocation of ASTRA 3A to 86.85° W.L. Upon arrival at the nominal 87° W.L. orbital location, ASTRA 3A will join the SES-2 spacecraft and will operate in inclined orbit.

¹ Ministère d’État, Service des Médias et des Communications of the Grand Duchy of Luxembourg.

HPT's license for E030115 permits the earth station to communicate with ASTRA 3A to perform TT&C using certain Ku-band frequencies, and this STA request seeks authority to continue that use during the planned satellite move. HPT is not requesting 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.² Details regarding the ASTRA 3A TT&C operations, including link budgets and interference analysis, were previously provided to the Commission and are incorporated herein by reference.³

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 in the second quarter of 2016, and HPT seeks action on this request no later than June 15, 2016, to accommodate that schedule.

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 to 86.85° 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.⁴

² See Waiver Requests, *infra*.

³ See SES-STA-20131030-00914 (filed Oct. 30, 2013) (referencing SES-STA-20130722-00654).

⁴ 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.

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:

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.⁵

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.”⁶ Here, the E030115 earth station will be used solely for TT&C, not for commercial operations. Thus, HPT is not seeking authority to communicate with ASTRA 3A for purposes of providing U.S. service within the meaning of Section 25.137.

⁵ *PanAmSat Licensee Corp.*, 17 FCC Rcd 10483, 10492 (Sat. Div. 2002) (footnotes omitted).

⁶ 47 C.F.R. § 25.137(a).

To the extent the Commission disagrees, HPT 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.”⁷ 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.⁸

Strict adherence with Section 25.114’s requirements for detailed technical information is also unnecessary and would be unduly burdensome. HPT is proposing to use E030115 only for the limited purpose of performing TT&C during drift of the satellite to 86.85° W.L, and the relevant technical characteristics of those transmissions have been previously described.⁹ 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. In these circumstances, no valid purpose would be served by requiring a complete 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,

⁷ *Id.*

⁸ In any event, the ASTRA 3A spacecraft at 86.85° W.L. will be operating under the authority of Luxembourg, 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).

⁹ *Supra* n. 3.

the Commission has granted STA without requiring a market access showing under Section 25.137 or full technical data as required by Section 25.114.¹⁰

Section 2.106 Footnote NG52. To the extent that reception of telemetry at 11450.25 MHz and 11699.50 MHz constitutes a domestic (*i.e.*, non-international) service, HPT respectfully requests a limited waiver of the international-service-only restriction.¹¹ 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.¹²

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 signals 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,

¹⁰ See, *e.g.*, Hawaii Pacific Teleport, L.P., File No. SES-STA-20131030-00914 (Call Sign E030115), granted Nov. 18, 2013 (granting authority for earth station to provide TT&C services to ASTRA 3A operating at 176.85° W.L.); 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).

¹¹ 47 U.S.C. § 2.106 Footnote NG52.

¹² 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) (“*EchoStar109W Order*”); EchoStar KuX Corporation, 20 FCC Rcd 942 (2004) (“*EchoStar 121W Order*”). These decisions granted waivers of the international only restriction in Footnote NG104, which has been replaced by Footnote NG52.

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.¹³ Once ASTRA 3A is on-station at 86.85° W.L., the TT&C will be performed by two U.S. earth stations: SES Americom's KA288 earth station in South Mountain, California, and its E050287 earth station in Woodbine, Maryland. As a result, there will be no significant restrictions placed on the deployment of FS in this band.

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.

For the foregoing reasons, HPT respectfully requests special temporary authority to communicate with ASTRA 3A for a period of up to 30 days in order to provide TT&C during relocation of the satellite as described herein. Grant of the requested authority will promote safe operation of the satellite during and after its relocation.

Respectfully submitted,

/s/ _____
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¹³ See EchoStar 83W Order, at ¶ 16 (“The Commission has waived this [international only] 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).