

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

In the Matter of Application by	)	
	)	
SES AMERICOM, INC.	)	Call Sign E050287
	)	
For Special Temporary Authority to	)	
Communicate with ASTRA 3A to Perform	)	
TT&C During Relocation to 47.0° W.L.	)	

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**

By this application, SES Americom, Inc. (“SES Americom” or “SES”) respectfully requests earth station special temporary authority (“STA”) for a period of 30 days, beginning on or about December 5, 2016, to permit SES to use its E050287 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 86.85° W.L. to 47.0° W.L.

SES Americom’s affiliate, SES ASTRA S.A. (“SES ASTRA”), holds an authorization from the Luxembourg Ministry of State, Office of Media and Communications<sup>1</sup> for the ASTRA 3A Ku-band spacecraft. SES ASTRA has requested that SES Americom assist with providing TT&C to support the planned relocation of ASTRA 3A to 47.0° W.L. At the nominal 47° W.L. orbital location, ASTRA 3A will join ASTRA 1D, which is also operated by SES ASTRA at 47.3° W.L., and NSS-806, operated by SES ASTRA’s affiliate, New Skies Satellites B.V., at 47.5° W.L. ASTRA 3A will operate in inclined orbit.

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

SES Americom's license for E050287 permits the earth station to communicate with ASTRA 3A at its current orbital location to perform TT&C using certain Ku-band frequencies, and this STA request seeks authority to continue that use during the planned satellite move. The earth station will operate within its licensed parameters and the only change will be the transition of ASTRA 3A from 86.85° W.L. to 47.0° W.L. SES 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 incorporating by reference the technical information previously provided to the Commission.<sup>2</sup>

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 fourth quarter of 2016, and SES seeks action on this request no later than December 5, 2016, to accommodate that schedule.

***Grant of STA 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 47.0° 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.<sup>3</sup>

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<sup>2</sup> See SES Americom, Inc., File No. SES-MFS-20160624-00607, filed June 24, 2016.

<sup>3</sup> 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](mailto:PMOC@ses.com).

***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.<sup>4</sup>

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 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.

Because the E050287 earth station will be used solely for TT&C, not for commercial operations, 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.”<sup>5</sup> Because SES Americom is not

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<sup>4</sup> *PanAmSat Licensee Corp.*, 17 FCC Rcd 10483, 10492 (Sat. Div. 2002) (footnotes omitted).

<sup>5</sup> 47 C.F.R. § 25.137(a).

seeking authority to provide commercial services in the United States, the requested STA does not raise any concerns about competitive equality.<sup>6</sup>

Strict adherence with Section 25.114's requirements for detailed technical information is also unnecessary and would be unduly burdensome. SES Americom is proposing to use E050287 only for the limited purpose of performing TT&C during drift of the satellite to 47.0° 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. In these circumstances, no valid purpose would be served by requiring a complete description of the ASTRA 3A spacecraft.

The Commission has previously granted a similar waiver for E050287 operations with ASTRA 3A at its current location, 86.85°W.L.<sup>7</sup> Furthermore, 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.<sup>8</sup>

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<sup>6</sup> In any event, the ASTRA 3A spacecraft at 47.0° 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).

<sup>7</sup> See File No. SES-MFS-20160624-00607, granted Aug. 23, 2016.

<sup>8</sup> 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).

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, SES Americom respectfully requests a limited waiver of the international-service-only restriction.<sup>9</sup> Such a waiver is warranted in these 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.<sup>10</sup>

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, thus, will not interfere with FS station operations. Moreover, only one U.S. earth station will be used to perform TT&C in the extended Ku-band during the satellite’s relocation.<sup>11</sup> Once ASTRA 3A is on-station at 47.0° W.L., the TT&C will be performed by earth stations

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<sup>9</sup> 47 U.S.C. § 2.106 Footnote NG52.

<sup>10</sup> *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.

<sup>11</sup> *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).

outside the United States. As a result, there will be no significant restrictions placed on the deployment of FS in this band.

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 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,

SES AMERICOM, INC.

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