

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of Application by
SES AMERICOM, INC.
For Special Temporary Authority
to Test C-Band payload on AMC-2 at 105° W.L.
File No. SAT-STA-20030820-00158

ORDER AND AUTHORIZATION

Adopted: August 28, 2003

Released: August 29, 2003

By the Chief, Satellite Division, International Bureau:

I. INTRODUCTION

1. By this Order, we grant SES AMERICOM, Inc. ("SES AMERICOM") special temporary authority to test the C-Band payload of its AMC-2 satellite at the 105° W.L. orbit location for a period of up to fourteen days from the date of release of this Order. Grant of this authority will permit SES AMERICOM to evaluate the coverage characteristics of C-Band services that could be provided using AMC-2 at the 105° W.L. orbit location.

II. BACKGROUND

2. In 1995, the Commission authorized the launch and operation of AMC-2, a hybrid C- and Ku-Band geostationary satellite, at the 85 W.L. orbit location. On July 7, 2003, we granted SES Americom special temporary authority to relocate AMC-2 from 85° W.L. to 105° W.L., to provide Ku-Band services, and to use C-Band spectrum for tracking, telemetry, and control operations. The special temporary authority did not grant SES AMERICOM's request to provide commercial C-Band service from the 105° W.L. orbit location. Instead, we deferred any action on that portion of SES AMERICOM's Application.

1 GE American Communications, Inc., Order and Authorization, 10 FCC Rcd 13775 (Int'l Bur. 1995) ("AMC-2 Order"). The AMC-2 Order authorizes operations on the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands (the "Ku-Band"), and operations in the 3700-4200 MHz and 5925-6425 MHz frequency bands (the "C-Band"). AMC-2 was then named GE-2.

2 SES AMERICOM, Inc., Order and Authorization, DA 03-2197 (Int'l Bur. Satellite Div., released July 7, 2003) ("AMC-2 July STA"). See also, Application by SES AMERICOM, Inc. for Special Temporary Authority to Operate AMC-2 at 105° W.L., File No. SAT-STA-20030402-00061 (filed April 2, 2003) (the "Application").

3 The Application was placed on public notice on April 22, 2003. Policy Branch Information, Satellite Space Applications Accepted for Filing, Report No. SAT-00148. A number of parties commented on the Application, including Telesat Canada, New Skies Satellites N.V., and Satmex S.A. de C.V. See ¶¶ 5-6, infra.

3. SES AMERICOM now seeks special temporary authority to test the C-Band payload of AMC-2 at the 105° W.L. orbit location before final action on its pending Application for C-Band operational authority at that location. SES AMERICOM states that this testing is necessary to evaluate the coverage characteristics of the C-Band services that could be provided using AMC-2 at the 105° W.L. orbit location. SES AMERICOM's special temporary authority request is to test for up to fourteen days, to commence no later than September 2, 2003. Additionally, SES AMERICOM requests expedited action to accommodate this schedule.⁴

III. DISCUSSION

4. The Commission has generally permitted satellite operators the flexibility to design and modify their networks in response to customer requirements, provided there are no compelling countervailing public interest considerations.⁵ Allowing the temporary use of unused orbital resources permits the public to receive services that would not otherwise be available.⁶ Consequently, over the past two decades, the Commission has granted a variety of satellite providers temporary authority to operate at orbit locations that are not regularly assigned to them. In issuing such authority, however, the Commission has been mindful to ensure that temporary operations do not adversely impact regularly licensed satellite systems, and it has conditioned temporary grants accordingly.⁷

5. While there is no C-Band spacecraft currently operating at the 105° W.L. orbit location, New Skies Satellites N.V. ("New Skies") is authorized by the Dutch Ministry of Economic Affairs, Telecoms Agency to launch and operate a C-Band satellite at the 105° W.L. orbit location. The Commission has granted New Skies market access to the United States market in the C-Band from that location.⁸ Telesat Canada operates its Anik F-1 C-Band/Ku-Band hybrid satellite at the adjacent 107.3°

⁴ SES AMERICOM Application for Special Temporary Authority to Test the C-Band Payload of AMC-2 at 105° W.L., File No. SAT-STA-20030820-00158, at pp. 2 and 5 (filed August 20, 2003) ("August STA Request").

⁵ See, e.g., *AMSC Subsidiary Corporation*, Order and Authorization, 13 FCC Rcd. 12316, 12317 (Int'l Bur. 1998).

⁶ *PanAmSat Corporation*, Order and Authorization, 15 FCC Rcd. 21802 (Int'l Bur. 1999).

⁷ See, e.g., *ARC Professional Services Group*, Order and Authorization, 5 FCC Rcd 5398 (Com. Car. Bur. 1990) (ARC granted temporary authority to operate tracking and data relay satellite system C-Band transponders at 62° W.L. until that orbit location was ready to be occupied by a regularly assigned licensee); *Satellite Business Systems*, Mimeo No. 5207 (Com. Car. Bur. 1984) (SBS granted temporary authority to operate its SBS-4 satellite at 101° W.L. until that location was ready to be occupied by a regularly assigned licensee).

⁸ *New Skies Networks, Inc.*, Order, 18 FCC Rcd 896 (Satellite Division, Int'l Bur. 2003). The Division authorized New Skies to operate in the 3700-4200 MHz and 5925-6425 MHz frequency bands.

W.L. orbit location.⁹ Satmex S.A. de C.V. (“Satmex”) reports that it operates its Morelos 2 C-Band/Ku-Band hybrid satellite at 109.2° W.L.

6. SES AMERICOM sought the consent of Telesat Canada, New Skies and Satmex for its proposal to test the C-Band payload of AMC-2 at the 105° W.L. orbit location.¹⁰ SES AMERICOM states that it has provided a test plan to technical personnel at Telesat Canada, and that the two companies have reached preliminary agreement regarding the technical parameters of the testing. According to SES AMERICOM, Telesat Canada has consented to SES AMERICOM’s temporary C-Band testing at 105° W.L. conditioned on SES AMERICOM providing advance notice of the commencement of testing and contact information to permit resolution of any suspected interference.¹¹ SES AMERICOM has agreed to comply with both of Telesat Canada’s requests. In addition, according to SES AMERICOM, it advised New Skies and Satmex of its proposal to test the C-Band payload. Satmex requested advance notice of the commencement date and schedule for the testing, and SES AMERICOM agreed to provide this information to Satmex prior to commencement of the C-Band testing at 105° W.L. New Skies also consented to SES AMERICOM’s AMC-2 C-Band testing proposal.

7. Under these circumstances, we see no reason to prevent SES AMERICOM from testing its C-Band payload at the 105° W.L. for a limited fourteen-day period. Given the limited number of days of testing requested, the advance consent of the parties with potentially affected operating satellite networks, and the urgency of the request, we grant this temporary authority, subject to the conditions specified below, without placing the request on public notice.¹²

IV. CONCLUSION AND ORDERING CLAUSES

8. Consistent with the foregoing discussion, we conclude that the public interest, convenience, and necessity will be served by allowing SES AMERICOM, Inc. to conduct up to fourteen days of testing in the 3700-4200 MHz and 5925-6425 MHz frequency bands on a non-harmful interference basis over AMC-2 from the 105° W.L. orbit location. Accordingly, pursuant to Section 309 of the Communications Act, 47 U.S.C. § 309, and Section 0.261 of the Commission’s rules, 47 C.F.R. § 0.261, IT IS ORDERED that Application File No. SAT-STA-20030820-00158 IS GRANTED.

⁹ *Telesat Canada Petition for Declaratory Ruling for Inclusion of ANIK F1 on the Permitted Space Station List*, 15 FCC Rcd 24828 (Satellite Division, Int’l Bur., 2000). The Division authorized Telesat Canada’s request to operate on 3700-4200 MHz and 5925-6425 MHz (C-Band) and 11.7-12.2 GHz and 14.0-14.5 GHz (K-Band).

¹⁰ August STA Request at pp. 2-3

¹¹ Although we did not place this request on public notice, after consultations between SES AMERICOM and Telesat Canada, Telesat Canada chose to file comments on the request. *See* Comment of Telesat Canada on Application by SES AMERICOM, Inc. for Special Temporary Authority to Test the C-Band Payload of AMC-2 at 105° W.L. (filed August 27, 2003). In its comments, Telesat Canada confirmed that it had no objections to the short-term testing, but reiterated its concern that commercial C-Band operations on AMC-2 at the 105° W.L. orbit location would be inconsistent with a 1988 Trilateral Arrangement among Canada, Mexico and the United States.

¹² *See* 47 U.S.C. § 309(c)(2)(G).

9. IT IS ORDERED that SES AMERICOM is authorized to test the AMC-2 satellite at the 105° W.L. orbit location in the 3700-4200 MHz and 5925-6425 MHz frequency bands subject to the following conditions:

- a) SES AMERICOM shall coordinate its test operations with all potentially affected operating satellite networks. Prior to commencement of testing, SES AMERICOM shall advise Telesat Canada and Satmex when testing will begin and shall provide Telesat Canada with contact information for SES AMERICOM personnel in order to resolve any suspected interference.
- b) SES AMERICOM shall operate consistent with any existing coordination agreements for operations at the 105° W.L. orbit location.
- c) No harmful interference will be caused to any lawfully operating satellite network or radio communication system, and SES AMERICOM operations will cease immediately upon notification of harmful interference. Further, SES AMERICOM shall immediately notify the Commission by telephone that it has received such a notification, and shall confirm that oral notification, in writing, within two days of receipt.
- d) SES AMERICOM shall accept interference from any lawfully operating satellite network or radio communication system.
- e) This authorization is subject to change in any of its terms, or cancellation in its entirety, at any time upon reasonable notice, but without hearing, if, in the opinion of the Commission, circumstances require.
- f) This temporary authority will commence on the date of release and will terminate fourteen days from that date.
- g) This temporary authority is for testing purposes only, and shall not be used for the provision of commercial service.

10. IT IS FURTHER ORDERED that this authorization is without prejudice to any action the Commission may take on SES AMERICOM's pending request for commercial C-Band services at the 105° W.L. orbit location.

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz
Chief, Satellite Division