

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

In the Matter of)
)
Comprehensive Review of Licensing and) IB Docket No. 12-267
Operating Rules for Satellite Services)

**JOINT REPLY COMMENTS OF SES AMERICOM, INC.
AND NEW SKIES SATELLITES B.V.**

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SUMMARY

SES Americom, Inc. and New Skies Satellites B.V. (together, “SES”) support revision of the Part 25 rules to eliminate unnecessary regulatory burdens and facilitate growth of the satellite services industry. As SIA members, we endorse the SIA pleadings in this proceeding and write separately here to address certain key issues raised in the record.

Most parties agree that the Commission should update but otherwise retain its two-degree spacing policy, which has proven effective in maximizing use of the orbital arc. Accordingly, the Commission should reject Intelsat’s proposals to eliminate or radically alter the current framework. Instead, the baseline power levels should be increased to reflect modern space station characteristics and as revised, should be applied to additional spectrum bands. To address the “future neighbor” problem, parties agree that the Commission should permit existing higher power density operations that have been coordinated to continue, notwithstanding the arrival of a new, compliant neighboring satellite.

Commenters unanimously support a policy modification to allow the International Bureau to forward documentation to the ITU prior to submission of an underlying license application. However, to ensure that this change does not lay the groundwork for speculation, SES urges the Commission to allow a prospective applicant to retain priority in the queue only if it submits a completed application within 90 days following the ITU’s receipt of the initial network filing. By doing so, the Commission can effectively deter warehousing without the need to impose a pre-application bond.

Parties also are in agreement regarding the need for reform of satellite milestone policies. By moving to a system of requiring joint licensee and manufacturer certifications that cover the essential elements of milestone compliance, the Commission can increase certainty,

decrease the risk of inadvertent disclosure of proprietary information, and reduce the staff resources needed to review milestone submissions. If the Commission decides to revise its bond framework, the record supports moving to an escalating bond approach, as proposed in the Further Notice.

To facilitate competition in the satellite services market, the Commission should expand the Permitted Space Station List to encompass all GSO space stations that have been licensed by the Commission or authorized to serve U.S. customers. In addition, the Commission should implement its proposal to allow receive-only terminals to communicate with authorized foreign-licensed satellites.

Finally, SES supports proposals to: ensure that interested parties have notice and an opportunity to comment regarding any fleet management relocations; limit the need to file applications seeking consent to *pro forma* assignments and transfers of control involving space and earth station licensees; revise Section 25.258 to facilitate coordination of the 29.25-29.5 GHz band between co-primary GSO and NGSO networks; and modify new Section 25.202(g)(2) to make clear that mid-band TT&C operations that have been coordinated with neighboring operators are permissible.

TABLE OF CONTENTS

SUMMARY.....i

I. THE COMMISSION SHOULD RETAIN BUT IMPROVE THE TWO-DEGREE SPACING FRAMEWORK..... 1

 A. The Commission Should Not Abandon or Undermine its Successful Two-Degree Spacing Policy..... 2

 B. Commenters Support the Commission’s Proposed Mechanism to Address the “Future Neighbor” Problem 6

II. A PARTY SHOULD BE REQUIRED TO FILE A SATELLITE APPLICATION NO WITHIN 90 DAYS AFTER AN INITIAL FILING IS RECEIVED BY THE ITU 7

III. THE RECORD SUPPORTS REFORM OF SATELLITE MILESTONE AND BOND REQUIREMENTS 12

IV. THE COMMISSION SHOULD EXPAND THE PERMITTED SPACE STATION LIST AND STREAMLINE ACCESS TO FOREIGN-LICENSED SATELLITES 14

V. SES SUPPORTS OTHER REFORM PROPOSALS 16

 A. Notice Requirement for Expanded Fleet Management 16

 B. Streamlining *Pro Forma* Assignments and Transfers of Control 16

 C. Coordination under Section 25.258..... 17

 D. Mid-Band TT&C..... 18

VI. CONCLUSION 19

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AND NEW SKIES SATELLITES B.V.**

SES Americom, Inc. and New Skies Satellites B.V. (together, “SES”) hereby submit this reply regarding the Further Notice of Proposed Rulemaking in the above-captioned proceeding.¹ As discussed herein, the record strongly supports Commission efforts to reform Part 25 to maximize licensees’ flexibility consistent with the prevention of harmful interference, and to reduce administrative burdens on both licensees and Commission staff.² By streamlining its regulatory framework, the Commission will enhance the ability of satellite networks to bring a range of critical services to U.S. consumers.

**I. THE COMMISSION SHOULD RETAIN BUT IMPROVE
THE TWO-DEGREE SPACING FRAMEWORK**

The record in this proceeding confirms the Commission’s determination that “the two-degree spacing policy continues to be useful and that eliminating it altogether would not serve the public interest.”³ SES and others urge the Commission to reject Intelsat’s suggestion that in lieu of the existing regulatory framework, priority before the International

¹ *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Further Notice of Proposed Rulemaking, IB Docket No. 12-267, FCC 14-142 (rel. Sept. 30, 2014) (“Further Notice”).

² *Id.* at ¶ 2 (footnote omitted).

³ *Id.* at ¶ 44.

Telecommunication Union (“ITU”) should determine operational rights.⁴ Instead, the Commission should update and expand the two-degree spacing policy to enhance its effectiveness. In addition, the comments support Commission action to reduce the uncertainty created today by the “future neighbor” problem.

A. The Commission Should Not Abandon or Undermine its Successful Two-Degree Spacing Policy

SES’s initial comments demonstrate that the Commission’s long-standing two-degree spacing framework remains an important mechanism to facilitate new entry and efficient use of the orbital arc that should be retained with certain revisions.⁵ To bring the policy in line with modern satellite characteristics, SES proposes that the Commission revise the baseline power levels upward and apply the revised levels to additional bands.⁶ Specifically, SES supports increasing the downlink EIRP levels to 3 dBW/4 kHz for digital carriers in both the conventional and extended C-bands and to 13 dBW/4 kHz for digital carriers in the conventional and extended Ku-bands.⁷

Other commenters concur that two-degree spacing performs an important function. DIRECTV argues that “routinely licensing operation conforming to predetermined technical criteria for two-degree spacing compatibility, without requiring coordination or interference analysis, facilitates expeditious application processing and reduces cost and

⁴ See Joint Comments of SES Americom, Inc. and New Skies Satellites B.V., IB Docket No. 12-267 (filed Jan. 29, 2015) (“SES Comments”) at 3-6; Comments of DIRECTV, LLC, IB Docket No. 12-267 (filed Jan. 29, 2015) (“DIRECTV Comments”) at 6-7.

⁵ SES Comments at 3-6.

⁶ *Id.* at 6-7.

⁷ *Id.* at 7. SES also requests that the Commission clarify that its introduction of the ability to certify compliance with two-degree levels was intended as an alternative to, not a replacement for, the current method of demonstrating such compliance through submission of an interference analysis. *Id.* at 8-9.

paperwork burdens for applicants willing to operate within the constraints of those criteria.”⁸

EchoStar agrees that the two-degree policy serves the public interest and should be retained and expanded to additional frequency bands.⁹ Similarly, Iridium argues that the two-degree spacing policy should continue to apply in the 29.25-29.5 GHz band rather than relying on ITU filing priority to determine coordination rights.¹⁰

In contrast to this chorus of support for two-degree spacing, Intelsat remains the lone advocate for eliminating or radically changing existing policy, but its arguments are unpersuasive. For example, Intelsat provides no evidence to buttress its claim that two-degree spacing undermines the ability of U.S. satellite licensees to provide higher-power mobility services, such as aeronautical offerings.¹¹ To the contrary, Intelsat, SES and other U.S. licensees have been able to successfully coordinate the use of capacity to support aeronautical services under the existing regulatory environment.¹²

Intelsat’s suggestion that disputes about two-degree spacing have “provoked so many comments and petitions to deny” that the policy “now actually *delays* application processing”¹³ is similarly baseless. Tellingly, two of the three pleadings Intelsat cites were

⁸ DIRECTV Comments at 6-7, *citing* Further Notice at ¶ 44.

⁹ Comments of EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC, IB Docket No. 12-267 (filed Jan. 29, 2015) (“EchoStar Comments”) at 30-31.

¹⁰ Comments of Iridium Constellation LLC, IB Docket No. 12-267 (filed Jan. 29, 2015) (“Iridium Comments”) at 3-4.

¹¹ Comments of Intelsat License LLC, IB Docket No. 12-267 (filed Jan. 29, 2015) (“Intelsat Comments”) at 20.

¹² *See, e.g.*, Gogo LLC, Call Sign E120106, File No. SES-MFS-20140801-00625 (authorizing operation of aeronautical network using satellites licensed to Intelsat, SES, Eutelsat, and others).

¹³ Intelsat Comments at 21 (emphasis in original).

filings made by Intelsat itself involving SES applications,¹⁴ including one in which Intelsat argued that ITU priority rather than the Commission’s two-degree spacing policy should govern SES’s proposed operation of NSS-703.¹⁵ Intelsat conveniently omits the fact that its arguments about NSS-703 were expressly rejected – the Commission declined to impose Intelsat’s requested condition concerning ITU coordination because it concluded that SES had made a satisfactory showing that its operations would comply with two-degree spacing limits.¹⁶ Of course, it is the epitome of circular reasoning for Intelsat to claim that the delay introduced by Intelsat’s own failed attacks on two-degree spacing is evidence that the two-degree spacing policy is impeding prompt application processing.

Finally, Intelsat’s allegation that two-degree spacing creates an imbalance that puts U.S. licensees at a disadvantage vis-à-vis foreign-licensed operators¹⁷ cannot be squared with the facts. As the SES Comments demonstrate, the Commission even-handedly applies its two-degree spacing policy to both U.S. licensees and foreign-licensed satellites authorized to serve the United States, applying the same condition language to each.¹⁸ Moreover, the policy

¹⁴ *Id.* at 21-22 n.62, citing *SES Americom, Inc.*, Application for Modification of AMC-1, File No. SAT-MOD-20140730-00089, Comments of Intelsat License LLC (filed Oct. 20, 2014); *SES Satellites (Gibraltar) Limited*, Petition for Declaratory Ruling to Add the NSS-703 Satellite at 47.05° W.L. to the Commission’s Permitted Space Station List, File No. SAT-PPL-20101103-00230, Reply Comments of Intelsat License LLC (filed Mar. 28, 2011) (“Intelsat NSS-703 Reply”).

¹⁵ See Intelsat NSS-703 Reply at 1-2.

¹⁶ See *SES Satellites (Gibraltar) Limited*, File Nos. SAT-PPL-20101103-00230 & SAT-APL-20110120-00015, Call Sign S2818, grant-stamped Oct. 13, 2011, Attachment to Grant at 1 n.1. The more recent AMC-1 modification referred to by Intelsat remains pending, but Intelsat’s suggestion that Commission action is being delayed by a dispute about application of the two-degree spacing policy is simply false – SES has expressly agreed to the condition Intelsat requested about compliance with applicable coordination agreements. See Response of SES Americom, Inc., File No. SAT-MOD-20140730-00089 (filed Nov. 4, 2014) at 4-5.

¹⁷ Intelsat Comments at 22-23.

¹⁸ SES Comments at 5 & n.16.

has increased the orbital resources available for domestic satellites – as even Intelsat has recognized.¹⁹ Maintaining this proven policy will continue to facilitate new entry and robust competition that will benefit all U.S. satellite service customers. In contrast, basing coordination rights on ITU priority would skew the playing field in favor of Intelsat, whose date priority at many orbital locations resulting from its history as an intergovernmental organization would give it effective veto rights over the entry of new competitors.²⁰

Given the strong public interest goals served by two-degree spacing, the Commission should reject Intelsat’s call for elimination or substantial revision of the policy. In particular, the Commission should reaffirm its finding that two-degree spacing serves a valid purpose and should not be replaced by a system in which coordination between operators is based solely on ITU priority.²¹ Consistent with this finding, the Commission should deny Intelsat’s proposal for a purported modification of Commission rules that would eviscerate the two-degree spacing standards and make ITU priority the determining factor in coordination disputes involving non-two-degree compliant operations.²² Although the language Intelsat suggests pays lip service to the idea of good-faith coordination, Intelsat makes clear that under its proposal “ITU priority will govern all coordination negotiations.”²³ Thus, even if an applicant contemplates new services that fully comply with the two-degree spacing limits, that applicant’s priority for purposes of coordination discussions would be determined by the date of its ITU filing.

¹⁹ See *id.* at 4 & n.13, *citing* Comments of Intelsat License LLC, GN Docket No. 14-25 (filed Mar. 31, 2014) at 5-6.

²⁰ See SES Comments at 4-5.

²¹ Further Notice at ¶ 44.

²² See Intelsat Comments at 27-29 & Appendix 1.

²³ *Id.* at 27.

This would make the protections for new entrants that are central to the Commission's current two-degree spacing policy meaningless. The two-degree spacing framework provides a baseline set of levels at which parties may operate pending coordination of higher levels. But Intelsat's proposal would eliminate these standard operational parameters and allow Intelsat to use its ITU priority to indefinitely block introduction of new services in the vicinity of Intelsat's satellites unless and until the Commission intervenes on a case-by-case basis to force coordination decisions. Replacing a system with clear and predictable permissible operating levels with one where Commission involvement is routinely required will burden staff resources and impede the timely delivery of new services to the public. Accordingly, to preserve the pro-competitive effects of the two-degree spacing policy, the Commission must reject the Intelsat proposals set forth in Appendix 1 of its filing.

B. Commenters Support the Commission's Proposed Mechanism to Address the "Future Neighbor" Problem

The SES Comments advocate for a balanced approach to the "future neighbor" problem identified in the Further Notice.²⁴ Specifically, SES recognizes that a new entrant should be allowed to operate up to the baseline two-degree spacing levels without the need for coordination. To protect incumbent offerings, however, SES supports the Commission's proposal to allow an existing operator that has coordinated above-baseline power levels to maintain those levels following the deployment of a new neighboring satellite.²⁵

Other parties share SES's view on this matter. DIRECTV contends that "[e]very Commission licensee should be entitled to operate at the parameters allowed under the Commission's two-degree spacing policy" or the "advantages of expeditious processing and

²⁴ SES Comments at 7-8, *citing* Further Notice at ¶ 37.

²⁵ SES Comments at 7-8, *see also* Further Notice at ¶ 47.

reduced costs” could be significantly reduced.²⁶ But DIRECTV also acknowledges the need to adjust Commission policies to safeguard existing operations:

an operator that has coordinated the use of parameters in excess of those allowed under the two-degree spacing policy with existing operators/licensees should not have to modify its operations to protect a later-licensed, two-degree compliant space station. Rather, it should be able to continue to operate at coordinated levels – though going forward, it would have to accept any additional interference caused by operations from a two-degree compliant system.²⁷

Intelsat also agrees that a new entrant should not be allowed to disrupt previously-coordinated operations.²⁸ Intelsat suggests language to make clear that once a non-conforming, higher power level service has been coordinated, a subsequent entrant cannot require a reduction in power.²⁹

Given this consensus, the Commission should adopt its proposal to permit coordinated but non-compliant, higher power operations to continue notwithstanding the arrival of a new two-degree-compliant neighboring satellite.

II. A PARTY SHOULD BE REQUIRED TO FILE A SATELLITE APPLICATION WITHIN 90 DAYS AFTER AN INITIAL FILING IS RECEIVED BY THE ITU

SES and all other parties addressing the issue agree that the Commission should develop a procedure to submit ITU filings for FSS space stations in advance of the filing and public availability of an underlying satellite application.³⁰ Despite this basic consensus,

²⁶ DIRECTV Comments at 7.

²⁷ *Id.* Like SES (SES Comments at 8), DIRECTV emphasizes that an operator’s ability to provide continuing service at non-compliant levels would be contingent on its having provided notification of the relevant operating levels to the Commission. DIRECTV Comments at 8.

²⁸ Intelsat Comments at 24-26.

²⁹ *Id.* at 26.

³⁰ See SES Comments at 10-13; see also Comments of The Boeing Company, IB Docket No. 12-267 (filed Jan. 29, 2015) (“Boeing Comments”) at 11-12; DIRECTV Comments at 2-6; EchoStar Comments at 19-21; Comments of the Global VSAT Forum, IB Docket No. 12-267

however, there is substantial disagreement regarding what rights submission of an ITU filing should confer on a prospective applicant and what measures are appropriate to deter speculation. To protect against warehousing of spectrum, SES continues to urge the Commission to allow a party to retain filing priority in the queue only if it submits a complete satellite application within no more than 90 days after ITU receipt of the initial documentation (currently, the Advance Publication of Information or “API”) from the International Bureau.

As the SES Comments explain, submission of ITU materials in advance of public availability of a satellite application is necessary in order to address the risk of “claim-jumping,” which can occur when the filing of a satellite application permits a third party to pursue an ITU filing for the applicant’s requested orbital slot before the International Bureau has forwarded the U.S. applicant’s ITU materials.³¹ This rationale, however, does not justify the lengthy period of exclusivity some parties have proposed following submission of ITU materials. Instead, as long as the U.S. ITU filing is received before a satellite application is made public, the claim-jumping concern is adequately addressed.

SES agrees that a party who has prepared ITU materials for spectrum and orbital resources should gain a period of priority in the Commission’s filing queue pending submission of a complete space station application. However, the Commission must also ensure that its procedures do not create a recipe for warehousing of scarce resources. SES’s proposal to require a party to file a satellite application no more than 90 days following ITU receipt of an API or lose its position in the queue strikes an appropriate balance, giving sufficient time for preparation

(filed Jan. 29, 2015) (“GVF Comments”) at 1-4; Intelsat Comments at 3-6; Iridium Comments at 6; Comments of the Satellite Industry Association, IB Docket No. 12-267 (filed Jan. 29, 2015) (“SIA Comments”) at 3-4; Comments of ViaSat, Inc., IB Docket No. 12-267 (filed Jan. 29, 2015) (“ViaSat Comments”) at 12.

³¹ SES Comments at 10; *see also* DIRECTV Comments at 2-3; GVF Comments at 1-2; Intelsat Comments at 3; ViaSat Comments at 12.

of an application without encouraging potential speculators.³² Furthermore, with a short period of exclusivity, the Commission could avoid the need to impose a surety bond.³³

Alternative approaches suggested by other commenters fail to adequately guard against the risk of warehousing. For example, EchoStar and Intelsat favor allowing a party who has submitted an API to retain exclusivity without filing a satellite application for two years, and they argue against imposing a bond during that period.³⁴ EchoStar's only suggestion to discourage warehousing during the two years prior to submission of a satellite application is that the Commission should require the prospective applicant to "provide a report after the first year on its development process."³⁵ But a speculator who has gone to the trouble of preparing and submitting ITU materials in order to obtain exclusive spectrum rights is highly unlikely to be deterred by the requirement to file a progress report with the Commission.

Intelsat's suggested safeguards against warehousing are marginally more stringent than the EchoStar proposal but are also flawed. Under Intelsat's approach, to retain its position in the queue, a prospective applicant would be required to submit a Coordination Request ("CR") within six months of forwarding the API, thereby incurring ITU cost recovery obligations that currently run about \$36,500.³⁶ Intelsat claims that the "obligation to submit timely CRs and satellite applications plus the ITU's cost recovery measures will effectively curtail warehousing during the two-year FCC application filing window."³⁷ Yet Intelsat's own arguments contradict this assertion. Later in its pleading, Intelsat opposes an escalating bond because it fears that

³² SES Comments at 12.

³³ *See id.*

³⁴ EchoStar Comments at 19-21; Intelsat Comments at 3-13.

³⁵ EchoStar Comments at 23.

³⁶ Intelsat Comments at 13.

³⁷ *Id.*

requiring “an initial bond of only \$750,000” could encourage speculation and warehousing.³⁸ Moreover, Intelsat expresses concern about “the possibility that a series of financially unstable licensees could gain access to the spectrum (and squander it) for short one or two year increments at the low-cost bond amounts.”³⁹ The same risk of warehousing, however, exists at the pre-application stage under the framework envisioned by Intelsat. Intelsat does not explain why it believes a \$750,000 bond at the licensing stage would be insufficient to deter speculators but a \$36,500 CR payment obligation would adequately prevent warehousing prior to submission of an application.

DIRECTV and Iridium argue for shorter periods of exclusivity before an application must be filed,⁴⁰ but neither proposes measures that would effectively deter warehousing. DIRECTV suggests that after submitting an API, a party should have six months to provide a CR and another 30 days after that to file a satellite application.⁴¹ During that seven-month period, DIRECTV argues that the party should have priority for purposes of the Commission’s application queue not just for the requested orbital location, but also for any location within six degrees on either side.⁴² Thus, under the DIRECTV proposal, a speculator could acquire exclusivity for significant portions of the orbital arc with just a handful of API filings.

In short, no commenter provides a persuasive rationale for permitting the submission of an API to initiate a lengthy period of exclusivity. SES recognizes that longer

³⁸ *Id.* at 19.

³⁹ *Id.*

⁴⁰ DIRECTV proposes a roughly seven-month interval (DIRECTV Comments at 4-5), and Iridium suggests six months (Iridium Comments at 6).

⁴¹ DIRECTV Comments at 4-5.

⁴² *Id.* at 4.

windows to prepare and file a satellite application would provide additional certainty with respect to the international coordination landscape,⁴³ but in our view that benefit does not outweigh the associated warehousing risks. Accordingly, SES asks the Commission to set a 90-day deadline for filing a complete satellite application following ITU receipt of an API. If the Commission adopts a longer filing timeframe, SES agrees that imposing a surety bond would be required to prevent warehousing.

For the same reasons, SES has concerns regarding the suggestions by some parties that multiple filings seeking the same orbital and spectrum resources should be accepted by the Commission and given priority for purposes of the satellite application queue under a “next in line” approach.⁴⁴ SES would oppose any approach that effectively gave such a back-up applicant a long-term right of first refusal over spectrum and orbital resources without having to make any material commitment. Thus, if the Commission decides it will forward multiple ITU submissions for the same slot, it should not award the later filers any exclusivity rights with respect to the application queue.

The Commission should also take other steps to discourage speculation. SES supports imposing limits on the number of ITU submissions that a party could request in a given time period.⁴⁵ In addition, if a party repeatedly requests ITU submissions without filing an

⁴³ *See id.* at 3-4.

⁴⁴ *See id.* at 5 (if initial party fails to submit a CR within six months, a party who is next in line should gain priority in the queue); Intelsat Comments at 10 (suggesting that a second operator could submit ITU documentation and FCC applications behind a first applicant that it suspects of speculating).

⁴⁵ SES Comments at 13; *see also* DIRECTV Comments at 4.

application, the Commission will either need to apply the Section 25.159(d) “three strikes” rule, as suggested in the Further Notice,⁴⁶ or adopt alternative means to deter such behavior.

Finally, SES agrees with Intelsat that any procedure regarding ITU filings that is adopted should apply to planned bands as well as non-planned bands.⁴⁷ Although there are differences in the ITU process between planned and non-planned spectrum, SES concurs that applicants in planned bands would also benefit from a U.S. policy of forwarding ITU submissions quickly and without awaiting a satellite application.

III. THE RECORD SUPPORTS REFORM OF SATELLITE MILESTONE AND BOND REQUIREMENTS

Commenters unanimously agree that revision of the Commission’s satellite milestone policies is warranted in order to “shorten review periods, reduce administrative burdens, and increase certainty for licensees.”⁴⁸ Streamlining the requirements for milestone compliance showings will add more predictability to the Commission review process and can eliminate the need for licensees to submit confidential and competitively-sensitive data, while also accelerating Commission review. If the Commission decides to revise its bond policies, the record supports considering an escalating bond approach.

Most importantly, the Commission should set clear guidelines regarding the information that will be sufficient for a milestone compliance demonstration. SIA’s proposal for the elements that should be accepted for satisfaction of the construction commencement milestone is reasonable and should be adopted.⁴⁹ The Commission should take a similar

⁴⁶ Further Notice at ¶ 18.

⁴⁷ Intelsat Comments at 4.

⁴⁸ Further Notice at ¶ 28.

⁴⁹ SIA Comments at 4; *see also* SES Comments at 14; Boeing Comments at 5; Intelsat Comments at 16-17. The Boeing and Intelsat proposals include one element that is not part of

approach to other milestones by defining the required elements and accepting a joint certification from the licensee and satellite manufacturer to verify compliance.⁵⁰ To avoid the need to file competitively-sensitive satellite contracts, the SES Comments suggest allowing submission of a detailed certification, provided that it addresses the key factors relevant to determining whether a contract is non-contingent under Commission precedent.⁵¹ In contrast, the EchoStar proposal to allow submission of a licensee-only certification that a contract with a compliant construction schedule has been entered⁵² should be rejected. Since it omits many of the elements relied on by the Commission to determine a contract's sufficiency, the EchoStar standard would be too susceptible to abuse by licensees not committed to satellite construction.

There is also broad agreement that the Commission should terminate its practice of requiring submission of the full document package to show compliance with the Critical Design Review ("CDR") milestone.⁵³ SES supports retaining the CDR milestone, but implementing a joint licensee/manufacturer certification process to allow the Commission to review the CDR agenda and to confirm who attended the CDR and when and for how long the CDR team met.⁵⁴ Boeing and Intelsat make a similar suggestion, but propose that the CDR compliance showing also include the CDR meeting minutes.⁵⁵ SES disagrees that submitting the

the SIA proposal – a statement of the percentage of the satellite contract price paid to date. As indicated in its comments (SES Comments at 15), SES has no objection to inclusion of such an additional requirement.

⁵⁰ SES Comments at 14.

⁵¹ *See id.*

⁵² EchoStar Comments at 27.

⁵³ *See* SES Comments at 14-15; Boeing Comments at 2-4; EchoStar Comments at 26; Comments of Inmarsat, IB Docket No. 12-267 (filed Jan. 29, 2015) ("Inmarsat Comments") at 3; Intelsat Comments at 15-16; ViaSat Comments at 12-13.

⁵⁴ SES Comments at 14.

⁵⁵ Boeing Comments at 4; Intelsat Comments at 16.

meeting minutes should be required – in our view, the minutes are not necessary to demonstrate that CDR has occurred, and filing them risks exposure of confidential information.

The Commission should also adopt the SIA proposal to establish a firm deadline for review of milestone compliance showings.⁵⁶ Specifically, absent a contrary determination, a milestone showing should automatically be deemed approved 60 days after filing.

As indicated in our comments, SES does not view reform of the Commission’s bond regulations as a priority, as the current system has proven workable.⁵⁷ If the Commission does choose to overhaul the bond, SES supports moving to an escalating bond approach to encourage return of unused spectrum earlier rather than later.⁵⁸ SES agrees with other commenters that the Commission should not index bond amounts to inflation, as doing so would inject uncertainty and unneeded complications and would not materially add to the bond’s effectiveness in deterring warehousing.⁵⁹

IV. THE COMMISSION SHOULD EXPAND THE PERMITTED SPACE STATION LIST AND STREAMLINE ACCESS TO FOREIGN-LICENSED SATELLITES

The record also supports expansion of the Commission’s Permitted Space Station List to include all U.S.- and foreign-licensed GSO satellites authorized to provide FSS in any band to earth stations located in the U.S.⁶⁰ Such an expansion will enhance competition by allowing satellite service customers to easily access a complete compilation of space station

⁵⁶ See SIA Comments at 5-6; SES Comments at 15; Boeing Comments at 5-6.

⁵⁷ SES Comments at 15-16.

⁵⁸ *Id.* See also Boeing Comments at 8-9; EchoStar Comments at 28.

⁵⁹ See Boeing Comments at 6; DIRECTV Comments at 5-6; EchoStar Comments at 27; Intelsat Comments at 18.

⁶⁰ SES Comments at 16-18; EchoStar Comments at 46-47.

capacity available for use by U.S. earth stations.⁶¹ As EchoStar notes, this change will simplify application processing, thereby decreasing burdens on Commission staff.⁶²

Intelsat repeats here its baseless claim that expansion of the Permitted List is inappropriate because of the need for terrestrial coordination of operations in the extended C- and extended Ku-bands.⁶³ As the SES Comments note, coordination between earth station licensees and terrestrial networks is also required in the conventional C-band frequencies, which are already covered by the Permitted List.⁶⁴ Moreover, expanding the Permitted List would not affect the Commission's ability to individually assess earth station applications for compliance with applicable band-specific requirements.⁶⁵

The record also reflects strong support for the Commission's proposal to amend Section 25.131(j) to allow unlicensed receive-only terminals to receive signals from any foreign-licensed satellite authorized to serve the United States.⁶⁶ SES agrees that receive-only earth stations should have authority to communicate with any such spacecraft. We note, however, that that because 25.131(j) already exempts satellites on the Permitted List from the rule's approval requirement, if the Commission expands the Permitted List as discussed above, no alteration in the language of Section 25.131(j) will be needed to effectuate this change.

⁶¹ SES Comments at 16-18.

⁶² EchoStar Comments at 46-47.

⁶³ Intelsat Comments at 30.

⁶⁴ SES Comments at 17.

⁶⁵ SES Comments at 17-18; EchoStar Comments at 47.

⁶⁶ See Comments of AvL Technologies, Inc., IB Docket No. 12-267 (filed Jan. 28, 2015) at 3; EchoStar Comments at 58; Inmarsat Comments at 6.

V. SES SUPPORTS OTHER REFORM PROPOSALS

In addition to the rule revisions discussed above, SES endorses a number of reform proposals raised by other parties.

A. Notice Requirement for Expanded Fleet Management

A number of commenters support the Commission's proposal to amend the Section 25.118(e) fleet management procedure to allow relocation without prior approval to a position within 0.15 degrees of an existing assignment.⁶⁷ If the Commission decides to implement this change, SES agrees with DIRECTV that steps must be taken to protect adjacent satellites. Specifically, as DIRECTV contends, the Commission must give "any U.S.-licensed operator located within 2 degrees of a proposed fleet management relocation the opportunity to review and comment before the space station is moved."⁶⁸ Alternatively, as SES has previously suggested, the Commission could implement an auto-grant mechanism to expedite approval of moves to offset positions while retaining the notice and comment procedures that facilitate review of the impact of a proposed move on the interference environment.⁶⁹

B. Streamlining *Pro Forma* Assignments and Transfers of Control

SES also agrees with commenters that the Commission should review its policies on *pro forma* assignments and transfers of control in order to minimize the regulatory burdens associated with non-substantive changes in the corporate structure of a licensee.⁷⁰ In particular, SES supports efforts by the Commission to seek any necessary legislative changes to permit the

⁶⁷ See EchoStar Comments at 66; Intelsat Comments at 32-33.

⁶⁸ DIRECTV Comments at 9.

⁶⁹ Joint Reply Comments of SES Americom, Inc., New Skies Satellites B.V., and O3b Ltd., IB Docket No. 12-267 (filed Feb. 13, 2013) at 21.

⁷⁰ EchoStar Comments at 57-58; Intelsat Comments at 33-35.

Commission to forbear from requiring prior approval of *pro forma* changes affecting non-common carrier satellite and earth station licensees.⁷¹ Pending such changes in the law, SES agrees with Intelsat that the Commission can and should review its interpretation of what constitutes a change in control that triggers a requirement for prior approval.⁷² As Intelsat observes, changes in the legal form of a business and reorganizations altering a licensee’s intermediate holding structure are clearly minor and raise no possible public interest concerns.⁷³ Accordingly, the Commission should determine that such events do not require an application for prior approval.⁷⁴

C. Coordination under Section 25.258

SES concurs that Section 25.258 should be revised to facilitate co-primary sharing between GSO FSS and NGSO MSS feeder links in the 29.25-29.5 GHz frequencies. Inmarsat points out that this spectrum is essential to meet the needs of expanding Ka-band GSO FSS networks.⁷⁵ In order to expedite coordination between GSO and NGSO systems in this band, Inmarsat proposes that the Commission adopt a “shot-clock” approach, setting a one-year deadline for discussions between the parties, after which the Commission will intervene to resolve any outstanding issues.⁷⁶ SES agrees that such action is warranted in order to avoid coordination-related delays that can impede the delivery of services to U.S. customers. In

⁷¹ Intelsat Comments at 34.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ EchoStar suggests that the Commission should deem applications for *pro forma* assignment or transfer of control granted one day after filing. EchoStar Comments at 57-58. This approach, however, would not relieve licensees of the substantial cost of preparing and filing *pro forma* applications – as Intelsat notes, the application fees alone in such instances can be in the hundreds of thousands of dollars. Intelsat Comments at 34.

⁷⁵ Inmarsat Comments at 5.

⁷⁶ *Id.* at 6.

addition, SES supports EchoStar's proposal for removal of the phrase "or planned" in referring to NGSO MSS gateways that must be taken into account in coordination.⁷⁷ EchoStar correctly notes that the phrase is vague, does not reflect the equal status of the GSO and NGSO systems sharing the band, and could lead to spectrum warehousing by NGSO operators.⁷⁸

D. Mid-Band TT&C

Finally, SES agrees with Intelsat's proposal to modify the language proposed by the Commission for new Section 25.202(g).⁷⁹ That section would authorize mid-band telemetry, tracking and command ("TT&C") if the transmissions cause no more interference and require no greater protection from interference than typical communications traffic. The revisions Intelsat suggests would make clear that mid-band TT&C that has been coordinated with co-frequency satellites within six degrees is also permissible.⁸⁰ This addition would appropriately bring the new rule in line with Commission precedent addressing requests for waivers of the current band-edge TT&C requirement.

⁷⁷ EchoStar Comments at 64-65.

⁷⁸ *Id.* at 65.

⁷⁹ Intelsat Comments at 35-36.

⁸⁰ *Id.* at 36.

VI. CONCLUSION

SES appreciates the Commission's significant efforts to overhaul the Part 25 rules and urges the Commission to revise its proposals consistently with the arguments in the SES pleadings and those of SIA.

Respectfully submitted,

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