Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	
Amendment of the Commission's Space Station Licensing Rules and Policies	IB Docket No. 02-34
2000 Biennial Regulatory Review – Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations	IB Docket No. 00-248

REPLY COMMENTS OF TELESAT CANADA

Telesat Canada ("Telesat") hereby submits its Reply Comments in the above-captioned Notice of Proposed Rulemaking ("NPRM") from the FCC (the "FCC" or "the Commission"). In its Comments submitted June 3, 2002, Telesat supported the Commission's goal to streamline the licensing process by eliminating unnecessary requirements, with the result that economic costs of regulatory delays could be minimized and the benefits of increased competition would be promoted.

I. For Foreign-licensed GSO FSS Satellites, ITU Date Priority is the Relevant Factor

No party disputes the role which the ITU process plays in establishing priority in the allocation of orbital slots and satellite spectrum. As pointed out by the SIA,

> "...virtually every space station authorization that the Commission issues is conditioned on successful completion of ITU coordination."[1]

Inmarsat also states that,

> "[a]s the Commission has recognized, in addition to obtaining a license to operate a space station in an orbital location, as a practical matter a U.S. satellite operator either must have the U.S. obtain priority for that location, or must coordinate with non-U.S. operators that have higher ITU priority."[2]

Similarly,

> "Intelsat recommends that the FCC eliminate rules that are redundant with ITU filing requirements."[3]

Clearly, there is broad acknowledgement that the ITU process is well accepted by the industry and that all operators, whether U.S.- or non-U.S.-licensed, must adhere to it in the planning and deployment of their satellite systems. In Telesat's view, the Commission should seize the opportunity to reduce the regulatory burden for itself and for satellite operators by clearly distinguishing between the process for parties seeking U.S.-licensed space station authorizations and the process for granting authority for non-U.S.-licensed satellites seeking to serve the U.S. market. In the latter case, as Telesat has pointed out in its own submission, the U.S.-licensed satellite process is therefore not an issue, whether it continues to be based on processing rounds or whether a new method is adopted such as 'first come, first served' or 'filing window'.[4] What,

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[1] *Comments of the Satellite Industry Association,* page 11.

[2] *Comments of Inmarsat Ventures plc,* page 5.

[3] *Comments of Intelsat LLC,* page 24.

[4] *Comments of Telesat Canada,* page 4.

however, remains the relevant issue for a WTO Member-licensed GSO FSS satellite seeking to serve the U.S. market is whether it holds ITU date priority.

II. The Commission should require less, not more, information from foreign-licensed GSO FSS operators.

If the foreign satellite holds this priority, it follows that the Commission need not require the same level of information as if the U.S. was licensing the satellite. Inmarsat echoes Telesat's concerns when it states:

> "In the DISCO II *First Reconsideration Order,* the Commission stated that it would not seek to relicense foreign operators seeking access to the U.S. market. Despite this, the Commission has imposed milestone obligations upon non-U.S.-licensed operators and now seeks to require that such operators provide the same information to the Commission as they would if they sought to become a U.S.-licensed space station in the first place. By imposing these burdens upon non-U.S. satellite foreign operators, the Commission, as a practical matter, is relicensing these operators."[5]

Consequently, as we have pointed out in our Comments, informational requirements need not go beyond (1) evidence of an authorization from the relevant administration, (2) the applicable coordination or notification ITU filing(s), and (3) a listing of relevant coordination agreements with licensed U.S. networks, provided they have ITU filing priority.[6]

Telesat therefore urges the Commission to follow through on its proposal to reduce unnecessary processes, recognizing that such an opportunity exists with respect to non-U.S. licensed GSO FSS satellites.

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[5] *Comments of Inmarsat,* page 14.

[6] *Comments of Telesat Canada,* page 6.

Telesat thanks the Commission for the opportunity to participate in this proceeding.

Respectfully submitted,

TELESAT CANADA

By: _____

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July 2, 2002