



2/4/2004

BY ELECTRONIC DELIVERY

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: In the Matter of Mitigation of Orbital Debris
Written Ex Parte Presentation, IB Docket No. 02-54**

Dear Chairman Powell:

The Satellite Industry Association (“SIA”) strongly urges the Commission to exempt operational geostationary (“GSO”) satellites from any rules imposing new disposal orbit requirements and to continue its case-by-case review of de-orbiting plans for non-geostationary (“NGSO”) satellites.

The *Notice of Proposed Rulemaking* in the above-referenced proceeding sought comment on whether the Commission should require geostationary (“GSO”) satellites to be de-orbited to a distance determined in accordance with a prescribed formula.¹ In its comments, SIA opposed the adoption of new de-orbit requirements. SIA demonstrated that U.S. licensees “have historically removed satellites at the end-of-life to storage orbits, which do not interfere with the launch trajectory of new satellites or the permanent orbit of existing or follow-on satellites.” SIA Comments at 14.

SIA also emphasized that any new rules should apply prospectively only, to satellites launched after the rules are adopted. SIA noted that retroactive application of new standards would unfairly burden operators by truncating the useful lives of spacecraft whose fuel budgets were set before the rules were adopted. *Id.*

Data presented by SIA members shows that absent grandfathering, imposition of new rules would cost U.S. GSO licensees hundreds of millions of dollars in lost revenue by requiring premature termination of spacecraft operations.² In contrast, the record does not demonstrate that retroactive application of any new rules would result in significant benefits.

¹ *Mitigation of Orbital Debris*, Notice of Proposed Rulemaking, IB Docket No. 02-54 (March 18, 2002) (“*NPRM*”) at ¶ 54.

² See Ex Parte Presentation of PanAmSat Corp. filed Jan. 8, 2004 (application of new requirements to PanAmSat’s 23 in-orbit spacecraft would result in \$140 million in lost revenue); Ex Parte Presentation of SES AMERICOM, Inc. filed Jan. 15, 2004 (application of new requirements to SES AMERICOM’s 14 in-orbit spacecraft would result in \$77 million in lost revenue).



For the foregoing reasons, SIA respectfully requests that the Commission exempt GSO satellites that are currently in orbit from any new de-orbit requirements. At a minimum, spacecraft launched prior to release of the *NPRM* should be grandfathered.

The *NPRM* also sought comment on whether the Commission should require end-of-life de-orbiting of NGSO satellites. As noted previously, due to the unique nature of NGSO satellites, SIA urges the Commission to maintain its current practice of reviewing the de-orbit plans presented by NGSO applicants on a case-by-case basis. SIA Comments at 18.

Thank you for your attention to this matter. Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard DalBello". The signature is fluid and cursive, with the first name "Richard" and last name "DalBello" clearly distinguishable.

Richard DalBello
President

cc's: Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein
Bryan Tramont
Sheryl Wilkerson
Jennifer Manner
Paul Margie

Sam Feder
Barry Ohlson
Thomas Tycz
Karl Kensinger
John Martin
Stephen Duall
Marlene H. Dortch, Secretary