

May 26, 2011

***By Electronic Filing***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Ex Parte* Filing of SES Americom, Inc. – 17/24 GHz BSS, IB Docket No. 06-123**

Dear Ms. Dortch:

SES Americom, Inc. (“SES Americom”) hereby supplements the record in the above-referenced proceeding relating to managing space-path interference between 17/24 GHz Broadcasting Satellite Service (“BSS”) and Direct Broadcast Satellite (“DBS”) spacecraft. Specifically, SES Americom addresses here the separation between the two types of satellites necessary to avoid interference and appropriate data submission requirements for 17/24 GHz BSS licensees.

Separation Distances: The Commission can protect DBS operations without unduly constraining the flexibility of 17/24 GHz BSS systems in positioning their satellites. As SES Americom has previously explained, the separation distance between 17/24 GHz BSS and DBS spacecraft needed to avoid space-path interference is dependent on the transmit EIRP of the 17/24 GHz BSS satellite, and EIRP levels are likely to vary among 17/24 GHz BSS spacecraft.<sup>1</sup> The Commission has proposed using an off-axis PFD threshold to determine whether coordination is required in individual cases between a 17/24 GHz BSS licensee and an adjacent DBS spacecraft.<sup>2</sup> SES Americom agrees that applying a coordination trigger based on off-axis PFD, which takes into account the EIRP characteristics of the relevant 17/24 GHz BSS satellite, is preferable to attempting to prescribe a minimum separation distance that would apply in all cases.<sup>3</sup> SES Americom supports use of the

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<sup>1</sup> See Letter of Daniel C.H. Mah, Regulatory Counsel, SES Americom, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission in IB Docket No. 06-123 dated Feb. 9, 2011 (“February Letter”).

<sup>2</sup> See *The Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, Report and Order and Further Notice of Proposed Rulemaking, FCC 07-76, 22 FCC Rcd 8842 (2007) (“Further NPRM”) at ¶ 184.

<sup>3</sup> In its February Letter, SES Americom indicated that it anticipates that a separation distance of .2-.3 degrees between spacecraft should be adequate to prevent space-path interference, but emphasized that use of a PFD threshold is superior to setting a standard minimum distance that does not reflect the specifics of the interference environment.

-93 dBw/m<sup>2</sup>/24 MHz PFD standard set forth in the Further NPRM and endorsed by other parties to this proceeding.

As the Commission recognized, compliance with this PFD standard should be evaluated at the DBS satellite receiver.<sup>4</sup> DIRECTV's suggestion that the Commission apply minimum separation distances from the edge of the DBS location cluster and measure off-axis PFD compliance at the cluster edge<sup>5</sup> would unnecessarily limit 17/24 GHz BSS licensees and impair satellite service competition by "protecting" portions of the cluster where there are no operational DBS satellites.

In its most recent filing, DIRECTV attempts to downplay this concern, arguing that to date no U.S. 17/24 GHz BSS license has been issued for a location within .2 degrees of a U.S. DBS cluster and observing that the number of locations where protection of DBS would be needed is no more than eight.<sup>6</sup> SES Americom agrees that given the Commission's four-degree spacing grid for 17/24 GHz BSS and the limited number of U.S. DBS positions, instances where a 17/24 GHz BSS applicant is seeking a location in close proximity to a U.S. DBS operator will be extremely rare.

But the observation that this situation is unlikely to arise says nothing about what the solution should be if it does arise. The Commission still must determine how it will handle a proposal by a 17/24 GHz BSS applicant for a location that is close to an unoccupied portion of a DBS cluster. Specifically, the Commission must decide whether it will ignore the actual spacecraft locations to preserve the possible future use of the entire DBS cluster range in perpetuity, or whether it will instead impose a modest limitation on the DBS operators' flexibility in order to accommodate an immediate, concrete proposal to introduce competitive 17/24 GHz BSS.

By using a PFD trigger to evaluate separation distances and applying that trigger at the specific DBS spacecraft receiver location, the Commission can protect actual DBS subscriber services without unduly restricting 17/24 GHz BSS applicants in selecting their orbital locations. In cases where the PFD threshold at the DBS receiver is exceeded, the Commission should adopt its proposal to authorize the 17/24 GHz BSS operations if they have been successfully coordinated.<sup>7</sup>

Data Requirements: SES Americom does not object to requiring a 17/24 GHz BSS applicant or licensee to submit off-axis antenna gain data needed to evaluate compliance with the PFD trigger if the satellite will be positioned in close proximity to DBS spacecraft. However, SES Americom objects to DIRECTV's suggestion that such data should be supplied for all 17/24 GHz BSS systems, regardless of how far they are to be located from DBS operations.<sup>8</sup> DIRECTV's only rationale for

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<sup>4</sup> Further NPRM at ¶ 184 ("in order to protect receiving DBS satellites from unacceptable levels of interference, we propose to adopt an off-axis pfd coordination trigger of -93 dBw/m<sup>2</sup>/24 MHz *at the DBS receiving antenna*") (emphasis added).

<sup>5</sup> See, e.g., Attachment to Letter of William M. Wiltshire, Counsel for DIRECTV, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission in IB Docket No. 06-123 dated Apr. 29, 2011 ("DIRECTV April *Ex Parte*"); Letter of William M. Wiltshire, Counsel for DIRECTV, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission in IB Docket No. 06-123 dated May 24, 2011 ("DIRECTV May *Ex Parte*").

<sup>6</sup> DIRECTV May *Ex Parte* at 1.

<sup>7</sup> Further NPRM at ¶ 184.

<sup>8</sup> See DIRECTV April *Ex Parte*.

this overbroad proposal is that the 17/24 GHz BSS satellite might move in the future.<sup>9</sup> Of course, this possibility can be addressed by requiring submission of the off-axis gain data as an element of any application for authority to relocate a 17/24 GHz BSS satellite to a position near a DBS spacecraft. There is simply no justification for mandating that information be filed for every 17/24 GHz BSS satellite when the overwhelming majority of those spacecraft will never be placed near a DBS space station.

Please address any questions regarding these matters to the undersigned.

Respectfully submitted,

*/s/ Karis A. Hastings*

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<sup>9</sup> *Id.*