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May 14, 2001

BY ELECTRONIC SUBMISSION

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, DC 20554

Re: ***Ex Parte Communication***
2000 Biennial Regulatory Review
IB Docket No. 00-248

Dear Ms. Salas:

On behalf of New Skies Satellites, N.V., this letter responds to reply comments filed by Telesat Canada in this proceeding¹ to correct Telesat's mischaracterization of both New Skies' position and the current state of the Commission's rules.

In its comments in this proceeding, New Skies noted two potential ambiguities in the Commission's Part 25 rules and suggested clarification in order to give satellite operators and users greater regulatory certainty.² One of the suggested clarifications dealt with the terms upon which receive-only earth stations could communicate with non-U.S. licensed satellites that are included on the Permitted Space Station List. New Skies noted that Section 25.131(j) of the Commission's rules requires receive-only earth station operators that seek to communicate with non-U.S. licensed satellites to obtain a license to do so – a requirement that provides the Commission with a regulatory point of contact with respect to such communications.³ New Skies also pointed out that the *DISCO II Reconsideration Order*, which created the Permitted Space Station List, did not alter this long-standing Commission requirement, since the streamlined access rules apply only to earth stations “that are authorized to access ‘ALSAT’ as points of communication” – a category that would not include unlicensed receive-only earth stations.⁴

¹ See Reply Comments of Telesat Canada (filed May 7, 2001).

² See Comments of New Skies Satellites, N.V. (filed March 26, 2001).

³ *Id.* at pp. 5-6.

⁴ *Id.* at p. 6 (citing *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, 15 FCC Rcd. 7207, 7218 (1999) (“*DISCO II Reconsideration Order*”).

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Contrary to Telesat's assertion, New Skies did *not* propose that the Commission adopt a new requirement for licensing of receive-only earth stations seeking to communicate with non-U.S. licensed satellites on the Permitted List – *because that requirement already exists under the Commission's rules*. What New Skies did propose was that the Commission (1) reiterate this requirement for the benefit of those, such as Telesat, who may not currently recognize or be in compliance with it, and (2) ameliorate the impact of this licensing requirement by applying it only to earth stations that are not large enough to qualify for routine processing and by adopting a procedure through which non-U.S. licensed operators could obtain streamline approval for operations with non-routine earth stations as part of the Permitted List.⁵

Clearly, it has been and continues to be New Skies' position that the Commission's rules currently in force require licensing of receive-only earth stations that seek to communicate with non-U.S. licensed satellites, even those on the Permitted List. To the extent Telesat has mischaracterized this position in its reply comments, the Commission should disregard its filing.

Respectfully submitted,

/s/

William M. Wiltshire
Counsel for New Skies Satellites N.V.

⁵ *Id.* at pp. 6-8.