

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

In the Matter of)

Amendment of Parts 25, 74, 78 and 101 of the)
Rules Regarding Coordination between the)
Non-Geostationary and Geostationary Satellite) ET Docket No. 03-254
Orbit Fixed-Satellite Service and Fixed,)
Broadcast Auxiliary and Cable Television)
Relay Services in the 7, 10 and 13 GHz)
Frequency Bands)

To: The Commission

**JOINT REPLY COMMENTS OF PANAMSAT CORPORATION AND SES
AMERICOM, INC.**

PanAmSat Corporation (“PanAmSat”) and SES Americom, Inc. (“SES Americom”), by their attorneys, hereby reply to the comments (“Comments”) filed by the Society of Broadcast Engineers (“SBE”) in the above-captioned proceeding.

In its Comments, SBE objects to the Commission’s proposal for coordinating broadcast auxiliary service (“BAS”) stations and mobile satellite service (“MSS”) gateway earth stations operating in the 6875-7075 GHz (“7 GHz”) and 12.75-13.25 GHz (“13 GHz”) bands. In particular, SBE regards the proposal to protect MSS downlinks for multiple look angles and for the full 7 GHz band as unfair, because 13 GHz MSS uplinks will only need to protect BAS stations for the frequencies and paths that are actually in use. SBE also suggests that 13 GHz MSS uplinks should have to be re-coordinated every time that they change frequencies or are re-pointed.

PanAmSat and SES Americom do not operate MSS systems, and therefore have no direct interest in this issue. The position advanced by SBE, however, arguably could be applied to geostationary orbit (“GSO”) fixed satellite service (“FSS”) earth stations, which also operate in the 13 GHz band.¹ That issue is relevant to PanAmSat and SES Americom, because they operate a GSO FSS systems. For the reasons stated herein, PanAmSat and SES Americom oppose licensing, coordinating and protecting GSO FSS earth stations for anything less than a full band and multiple azimuths/elevation angles.

The Commission previously considered a similar issue in connection with a petition filed by the Fixed Wireless Communications Coalition (“FWCC”) that was not limited to the 13 GHz band, but rather addressed more generally the rules for coordinating fixed service stations and FSS stations in shared bands.² FWCC had argued, much as SBE does now, that “interference protection to FSS earth stations should be based upon FSS spectrum use, just as interference protection to fixed services is based upon fixed spectrum use.”³ FWCC also sought to limit the range of frequencies and azimuths/elevation angles for which GSO FSS uplinks could be licensed and coordinated, based on standards that it claimed were representative of “actual need.”⁴

In response to FWCC’s petition and a subsequent Notice of Proposed Rulemaking,⁵ the Satellite Industry Association filed extensive comments, which PanAmSat and SES Americom filed separately in support of, documenting the

¹ Pursuant to footnote NG104 of the Table of Frequency Allocations, 47 C.F.R. § 2.106, GSO FSS operations in this band are limited to “international systems.”

² Request for Declaratory Rulemaking and Petition for Rulemaking of the Fixed Wireless Communications Coalition, RM-9649 (May 5, 1999).

³ *Memorandum Opinion and Order*, ET Docket No. 98-142 (Apr. 2, 2003) at ¶ 18.

⁴ *Second Report and Order*, IB Docket No. 00-203, 17 FCC Rcd 2002, 2003 (2002).

⁵ IB Docket No. 00-203, FCC 00-369 (Oct. 24, 2000).

numerous reasons why GSO FSS earth station licensees need the flexibility to reorient their earth stations, change points of communication, and change frequencies on short notice. Among other things, this flexibility is needed to “respond to changing customer requirements; restore service in the event of a facility failure; make adjustments to facilitate coordination with adjacent satellites; launch replacement satellites that take advantage of technological advances; and manage overall network capacity efficiently.”⁶

The Commission denied FWCC’s petition, recognizing that “the FSS and FS have significantly different requirements for access to the electromagnetic spectrum in order to meet their business needs,” and determining that there was an “absence of evidence ... [that the] current rules have resulted in injury to the terrestrial fixed service community.”⁷ SBE has provided no basis for revisiting these findings.

⁶ Comments of the Satellite Industry Association *et al.*, IB Docket No. 00-203 (Jan. 8, 2001) at ii.

⁷ *Second Report and Order*, IB Docket No. 00-203, 17 FCC Rcd 2002, 2007 (2002).

CONCLUSION

For the foregoing reasons, the Commission should continue to afford full band protection, across multiple azimuths/elevation angles, to GSO FSS earth stations, and should continue to license and coordinate GSO FSS uplinks on a "full band, full arc" basis.

Respectfully submitted,

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