

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of

New Skies Satellites N.V.,

Transferor,

and

Munaro Holding B.V.,

Transferee,

Application for Transfer of Control for Six (6) Fixed  
Earth Stations

and

Change of Ownership of Permitted List Satellites  
NSS-5, NSS-7 and NSS-806

IB Docket No. 04-247

File No.      SES-T/C-20040625-00886

File No.      SAT-PPL-20040625-00123

**JOINT PETITION TO DEFER**

The United States Department of Justice (“DOJ”), including the Federal Bureau of Investigation (“FBI”), and on behalf of the United States Department of Homeland Security (“DHS”); together with New Skies Satellites N.V., (“Old New Skies”), and New Skies Satellites B.V.,<sup>1</sup> (“New Skies”), respectfully request that the Federal Communications Commission

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<sup>1</sup>      Munaro Holding B.V. was renamed New Skies Satellites B.V. effective June 28, 2004. The parties disclosed the pending name change in the June 25, 2004 applications filed in the above-referenced docket, and stated that they would notify the Commission after the name change became effective. This was accomplished by letter to the FCC dated July 19, 2004. *See* Letter from Wayne D. Johnsen, Counsel to New Skies Satellites B.V., to Marlene H. Dortch, FCC, IB Docket No. 04-247 (dated July 19, 2004).

(“FCC” or “Commission”) defer grant of the above-captioned Application<sup>2</sup> and Notification<sup>3</sup> until the parties notify the Commission that they have addressed potential national security, law enforcement, and public safety issues. The parties expect to provide such notification to the Commission within the next few weeks.

In the above-captioned docket, New Skies applied pursuant to Section 310(d) of the Communications Act of 1934, as amended, and Section 25.119 of the Commission’s rules, for Commission consent to the transfer of control of six Title III earth station licenses held by New Skies Networks, Inc. (“New Skies Networks”), a U.S. subsidiary of Old New Skies, to New Skies.<sup>4</sup> New Skies also asked the Commission, in accordance with paragraphs 326-327 of the *Satellite Licensing Streamlining Order*, and Section 25.137(g) of the Commission’s rules, to authorize transfer of Old New Skies’ Permitted List authorizations to New Skies.<sup>5</sup>

Since an appreciable number of New Skies’ investors and affiliates are foreign entities, DOJ and DHS are evaluating whether the proposed transfer of licenses and authorizations from Old New Skies and New Skies Networks to New Skies could impair the ability of authorized government agencies in the United States to satisfy their obligations to preserve national security, enforce the laws, and protect public safety. The parties therefore request that, until they adequately address those national security, law enforcement, and public safety issues, the Commission defer the formal issuance of an Order regarding the Application and Notification.

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<sup>2</sup> See *New Skies Satellites N.V. and Munaro Holding B.V., Application for Transfer of Control for Six (6) Fixed Earth Stations*, File No. SES-T/C-20040625-00886 (filed June 25, 2004) (“Application”).

<sup>3</sup> *Munaro Holding B.V., Change of Ownership of Permitted List Satellites NSS-5, NSS-7 and NSS-806*, File No. SAT-PPL-20040625-00123 (filed June 25, 2004) (“Notification”).

<sup>4</sup> See 47 U.S.C. § 310(d); 47 C.F.R. § 25.119.

<sup>5</sup> See *Amendment of the Commission's Space Station Licensing Rules and Policies*, 18 FCC Rcd 10760 ¶¶ 326-27 (2003) (“*Satellite Licensing Streamlining Order*”); 47 C.F.R. § 25.137.

Because the integrity of U.S. telecommunications services is critical to the ability of our government to preserve the national security, enforce the laws, and maintain the safety of the public, DOJ and DHS have previously availed themselves of the opportunity under Section 310 of the Act, and implementing regulations, to comment regarding the public interest concerns raised by particular transactions. There is, therefore, well-established precedent for delaying approval of an application to transfer FCC licenses until DOJ and DHS have reviewed the transaction for safety, security, and enforcement concerns.

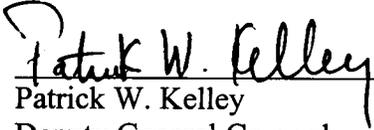
The parties are working together to ensure that the foreign ownership of the U.S. licenses and authorizations proposed here will not impair the ability of federal, state and local governments to: (1) conduct, securely and effectively, lawfully-authorized electronic surveillance of domestic U.S. calls or calls that originate or terminate in the United States; (2) prevent and detect foreign-based or other illegal electronic surveillance within the United States, which might jeopardize the security of the United States or privacy of U.S. telecommunications; and (3) satisfy U.S. National Security Emergency Preparedness and U.S. infrastructure protection requirements.

Accordingly, the parties hereby request jointly that the Commission, without delaying its present consideration of the Application and Notification in any other respect, defer the formal issuance of an Order on the above captioned Application and Notification until such time as the parties have notified the Commission that they have concluded an agreement addressing those aspects of the proposed transfers that potentially raise national security, law enforcement, and public safety concerns.

Respectfully submitted,

  
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Dated: August 17, 2004

Accordingly, the parties hereby request jointly that the Commission, without delaying its present consideration of the Application and Notification in any other respect, defer the formal issuance of an Order on the above captioned Application and Notification until such time as the parties have notified the Commission that they have concluded an agreement addressing those aspects of the proposed transfers that potentially raise national security, law enforcement, and public safety concerns.

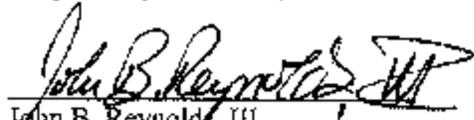
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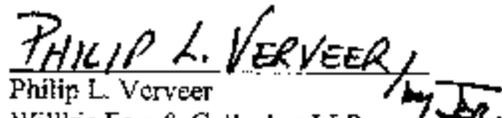
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