Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service	)	
	)	
and the Applications of	)	
	)	
GE American Communications, Inc.	)	File Nos. SAT-MOD-19981023-00073
	)	SAT-MOD-19981023-00074
For Modification of Authorizations to Construct, Launch and Operate Space Stations in the Fixed Satellite Service; for Special Temporary Authority To Test a Space Station at 146° W.L.; and for Authority To Operate a Space Station Temporarily at 141.5° W.L.	)	SAT-AMD-19990601-00060
	)	SAT-STA-20000602-00098
	)	41-SAT-ML-97
	)	
GE American Communications, Inc. and Alascom, Inc.	)	SAT-LOA-19990601-00061
	)	
For Authorization to Launch and Operate a C-Band Replacement Satellite	)	

MEMORANDUM OPINION, ORDER AND AUTHORIZATION

Adopted: September 12, 2000 **Released: September 13, 2000**

By the Chief, Satellite and Radiocommunication Division, International Bureau:

I. INTRODUCTION

1. This *Order* grants GE American Communications, Inc. ("GE Americom") authority to make several modifications to its satellite fleet in order to better serve customers. Specifically, GE Americom is authorized to launch GE-7 with C-band capacity into the orbital position of its C-band only spacecraft, Satcom C-1, currently located at the 137º W.L. orbital location; to test GE-7 pursuant to Special Temporary Authority (STA) at the 146° W.L. orbit location; to operate Satcom C-1 at the 141.5° W.L. orbit location on an temporary basis, pending replacement of the aging Satcom C-5/Aurora II, a C-band satellite at the 139° W.L. orbit location; and subsequently, to relocate Satcom C-1 to the 79° W.L. orbit location. In addition, GE Americom and Alascom Inc. ("Alascom") are authorized to launch and operate GE-8/Aurora III, the C-band replacement satellite for Satcom C-5/Aurora II, at 139° W.L. Today's actions will permit GE Americom to proceed with its scheduled launches of GE-7 and GE-8/Aurora III, and thereby enhance service to its customers. Moreover, this will permit GE Americom to provide necessary back-up capacity for Alascom's service, essential for the interconnection of numerous Alaskan bush villages.

II. BACKGROUND

2. In 1996, the International Bureau authorized six entities to construct, launch, and operate eleven C-band and/or Ku-band domestic fixed-satellites ("domsats") and assigned them to specific orbit locations.[1] GE Americom received authority to operate a hybrid C-/Ku-band satellite, then known as "GE-5," at the 79° W.L. orbit location.[2] GE Americom petitioned for reconsideration of the *1996 Assignment Order* and the *1996 Domsat Authorizations*, requesting, among other things, an alternative orbit location for GE-5.[3] GE Americom also filed a request to extend the milestone requirements for GE-5 pending resolution of its petition for reconsideration.[4] No party opposed the milestone extension request.

3. In January 1998, GE Americom requested modification of its original authorization for GE-5, proposing to use two single-band spacecraft, in lieu of a hybrid, to satisfy the GE-5 authorization.[5] Specifically, GE Americom proposed to use a spacecraft that had originally been constructed as another satellite operator's ground spare for the Ku-band capacity of GE-5 at the 79° W.L. orbital location. The Satellite and Radiocommunication Division granted GE Americom's modification request to launch and operate GE-5 as a Ku-band only satellite.[6] The milestone extension request with respect to GE-5's Ku-band payload became moot because that satellite was launched on time in October 1998.[7] However, GE Americom's request for milestone extension remains pending with respect to the C-band payload.[8]

4. GE Americom filed further modification applications in October 1998 for the C-band portion of GE-5.[9] First, GE Americom advised the Commission that a new C-band only satellite, GE-7,

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1 *See Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, Order and Authorizations, 11 FCC Rcd 13788 (Int'l Bur. 1996) ("*1996 Assignment Order*"). *See also GE American Communications, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 15030 (Int'l Bur. 1996) ("*GE-5 Order*"); *AT&T Corp.*, Memorandum Opinion and Order, 11 FCC Rcd 15038 (Int'l Bur. 1996); *Hughes Communications Galaxy, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 16425 (Int'l Bur. 1996); *Orion Network Systems, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 20434 (Int'l Bur. 1996); *Loral Space & Communications, Ltd.*, Memorandum Opinion and Order, 11 FCC Rcd 20441 (Int'l Bur. 1996); and *EchoStar Satellite Corporation*, Memorandum Opinion and Order, 11 FCC Rcd 20446 (Int'l Bur. 1996) (collectively, "*1996 Domsat Authorizations*"). For purposes of this Order, the C-band refers to the 3700-4200/5925-6425 MHz frequency bands and the Ku-band refers to the 11.7-12.2/14.0-14.5 GHz frequency bands.

2 *See GE-5 Order*, 11 FCC Rcd 15030.

3 *See* GE Americom Petition for Reconsideration (filed Dec. 23, 1996); GE Americom Reply (filed Jan. 28, 1997).

4 *See* GE Americom Request for Extension of Construction and Launch Milestones for GE-5, File No. 41-SAT-ML-97 (filed Jan. 30, 1997); Public Notice, Report No. SPB-76 (rel. Feb. 14, 1997).

5 *See* GE Americom Application for Modification, File Nos. 74-SAT-MP/ML-98, SAT-MOD-19980113-00002 (filed Jan. 13, 1998) ("January Modification Application").

6 *See GE American Communications, Inc.*, Memorandum Opinion and Order, 14 FCC Rcd 686 (Sat. Radiocomm. Div., Int'l Bur. 1998) ("*GE-5 Modification Order*").

7 *Id.* at 689 n.14.

8 *Id.* at 687 n.8.

9 *See* GE Americom Application for Modification, File No. SAT-MOD-19981023-00073 (filed Oct. 23, 1998) ("Satcom C-1 Reassignment Request"); GE Americom Application for Modification, File No. SAT-MOD-19981023-00074 (filed Oct. 23, 1998) ("October Modification Application"). *See also* Public Notice, Report No. SAT-00003 (rel. Nov. 16, 1998).

was under construction.[10] GE Americom requested authority to launch GE-7 and operate it at 137º W.L., the location currently occupied by its older C-band satellite, Satcom C-1.[11] It also requested authority to move Satcom C-1 from the 137º W.L. orbit location to the 79º W.L orbit location, to satisfy the GE-5 C-band authorization.[12] Most recently, GE Americom filed a request for STA to test GE-7 at 146º W.L. prior to commencing operation at the 137º W.L. orbit location.[13]

5. GE Americom provides satellite capacity to Alascom from two C-band satellites in the western arc. The jointly licensed Satcom C-5/Aurora II at 139° W.L. is the primary spacecraft for Alascom service, and Satcom C-1 at 137º W.L. provides necessary back-up capacity to Satcom C-5/Aurora II. These satellites are important facilities for the provision of Alascom's service and are essential for the interconnection of numerous remote Alaskan bush villages. To effect the move of Satcom C-1 from 137° W.L. to 79° W.L. while maintaining continuous service to Alascom, GE Americom filed an amendment to the Satcom C-1 Reassignment Request to accomplish the relocation of Satcom C-1 to 79º W.L. in two steps.[14] First, GE Americom proposed to move Satcom C-1 from 137° W.L. to 141.5° W.L. once GE-7 becomes operational at 137° W.L.[15] According to GE Americom, Alascom requested that Satcom C-1 remain in the western arc pending the successful launch of GE-8/Aurora III, a C-band replacement satellite for the aging Satcom C-5/Aurora II at 139° W.L.[16] GE Americom and Alascom have jointly requested authority to launch and operate GE-8/Aurora III, the C-band replacement satellite for Satcom C-5/Aurora II at the 139º W.L. orbit location.[17] Once GE-8/Aurora III is launched and operational, GE Americom proposes to move Satcom C-1 to its ultimate destination, the 79º W.L. orbit location.[18] No parties filed comments on any of these requests.

III. DISCUSSION

A. Request for Authorization to Launch and Operate GE-7

[10] Although the January Modification Application had proposed to use an existing C-band spacecraft to bring into operation the C-band portion of the GE-5 hybrid authorization, this proposal was withdrawn when GE Americom proposed to construct a new GE-7 satellite.

[11] *See* October Modification Application at 4.

[12] *See* Satcom C-1 Reassignment Request. GE Americom estimates that the useful life of Satcom C-1 will extend to March 2005. *Id.* at 2.

[13] *See* GE Americom Application for Special Temporary Authority, File No. SAT-STA-20000602-00098 (filed June 2, 2000) ("STA Request"); Public Notice, Report No. SAT-00047 (rel. June 8, 2000).

[14] *See* Amendment of GE American Communications, Inc., File No. SAT-AMD-19990601-00060 (filed June 1, 1999) ("Satcom C-1 Reassignment Amendment"); Public Notice, Report No. SAT-00019 (rel. June 17, 1999).

[15] Satcom C-1 Reassignment Amendment at 5.

[16] *Id.* at 4-5. The license for Satcom C-5/Aurora II is due to expire in July 2001 when the satellite is scheduled to reach its end of life. *See GE-5 Order*, 11 FCC Rcd at 15035 ¶ 14.

[17] *See* Application of GE American Communications, Inc. and Alascom, Inc. for Authority to Launch and Operate a Replacement Satellite, File No. SAT-LOA-19990601-00061 (filed June 1, 1999) ("GE-8 Request"); Public Notice, Report No. SAT-00047 (rel. June 8, 2000).

[18] Satcom C-1 Reassignment Amendment at 5.

6. GE Americom's request for authority to launch and operate GE-7 raises two issues. The first issue relates to the request to extend milestone deadlines for this satellite. GE-7 represents the C-band capacity of GE-5, and thus, the milestones associated with GE-5 attach to the construction and launch of GE-7. In accordance with the *GE-5 Order*, GE Americom should have finished construction of GE-7 by September 30, 1999, and launched the satellite by December 30, 1999.[19] Since these dates have passed, we address GE Americom's pending request for an extension of the milestones with respect to the GE-5 C-band payload, now associated with the authorization and launch of GE-7. GE Americom had asked for new milestones to be assigned following resolution of its petition for reconsideration of the *1996 Assignment Order* and the *1996 Domsat Authorizations*. We find that the filing of a petition for reconsideration does not justify delaying milestone requirements.[20] Otherwise, licensees might file petitions for reconsideration simply to suspend milestone requirements and, thereby, "warehouse" orbital locations.[21] Nevertheless, we find that other unique circumstances justify a brief extension for the launch of GE-7.

7. Our policy is to grant milestone extensions only where delay is caused by circumstances beyond the control of the licensee.[22] A milestone extension will be considered where it "is based on tangible, physical, construction-related concerns, rather than nebulous assertions such as 'regulatory uncertainty or technological advancements.'"[23] For example, we have found in the past that unanticipated technical problems can justify a milestone extension.[24] In comparison, the Commission often will deny an extension request where construction of the satellite either has not begun or is not continuing, raising questions regarding the licensee's intention to proceed.[25]

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[19] *GE-5 Order*, 11 FCC Rcd at 15036 ¶ 20.

[20] *See, e.g., Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, Memorandum Opinion and Order, 13 FCC Rcd 13863, 13866 ¶ 7 (Int'l Bur. 1998).

[21] *Id.*

[22] 47 C.F.R. § 25.117(e)(1). *See also Columbia Communications Corporation*, Memorandum Opinion and Order, DA 00-702, at ¶ 7 (Int'l Bur., rel. April 5, 2000) (*Columbia Milestone Order*); *National Exchange Satellite, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 1990, 1991 ¶ 8 (Com. Car. Bur. 1992); *Hughes Communications Galaxy, Inc.*, Order and Authorization, 5 FCC Rcd 3423, 3424 ¶ 10 (Com. Car. Bur. 1990); *MCI Communications Corporation*, Memorandum Opinion and Order, 2 FCC Rcd 233 (Com. Car. Bur. 1987).

[23] *EarthWatch Incorporated*, Order and Authorization, DA 00-1305, at ¶ 9 (Sat. & Radiocomm. Div., Int'l Bur., rel. Aug. 29, 2000) (*EarthWatch Milestone Order*) (quoting *Columbia Milestone Order*, DA 00-702, at ¶ 10 (citing *Norris Satellite Communications, Inc.*, Memorandum Opinion and Order, 12 FCC Rcd 22299, 22308 ¶ 21 (1997) (*Norris Review Order*) (a claim of regulatory uncertainty does not constitute an independent basis for granting a milestone extension request and does not warrant an otherwise unjustified milestone extension) and *Advanced Communications Corporation*, Memorandum Opinion and Order, 11 FCC Rcd 3399, 3412 ¶¶ 30-32 (1995) (promoting technological development cannot substitute for concrete progress towards construction and operation of system)).

[24] *See EarthWatch Milestone Order*, DA 00-1305, at ¶ 9 (brief milestone extension granted due to technical problems that, if left unaddressed, could have drastically impair service to customers); *AMSC Subsidiary Corporation*, Order and Authorization, 10 FCC Rcd 3791 (Sat. and Radiocomm. Div., Int'l Bur. 1995) (short milestone extension granted to permit licensee to resolve unanticipated technical problems); *American Telephone and Telegraph Company*, Order and Authorization, 9 FCC Rcd 2607 (Domestic Facilities Div., Com. Car. Bur. 1994) (same).

[25] *Compare AMSC Subsidiary Corporation*, Memorandum Opinion and Order, 8 FCC Rcd 4040, 4042-43 ¶¶ 13-14 (1993) (failing to begin construction raises questions regarding the licensee's intention to proceed) *with GE*

8. In this case, GE Americom has advised the Commission that construction of GE-7 is complete, thus showing a firm commitment to proceed with its business plan. GE Americom disclosed that delivery of the satellite was delayed due to the need for the manufacturer to correct anomalies that were discovered during testing.[26] Then, after completing construction, launch of the satellite was delayed because final work had not been completed on another satellite that will share the same launch vehicle.[27] These circumstances justify a delay of GE-7's launch schedule. Launch is now scheduled for September 14, 2000. Therefore, we extend the launch date of GE-7 from December 30, 1999 to October 14, 2000, which will allow for unanticipated delays at the launch site.

9. The second issue raised by the GE-7 applications relates to GE Americom's request to use a single C-band spacecraft, in lieu of a hybrid, to satisfy the original GE-5 authorization. The Commission recognizes that licensees may for a variety of reasons request changes to an authorization.[28] Thus, the Commission attempts, when possible, to leave spacecraft design decisions to the space station licensee because the licensee is in a better position to determine how to tailor its system to meet the particular needs of its customers.[29] Consequently, the Commission will generally grant a licensee's request to modify its system, provided there are no compelling countervailing public interest considerations.[30]

10. The Satellite and Radiocommunication Division applied this policy in approving GE Americom's request to launch the Ku-band payload of the GE-5 satellite on a single-band satellite.[31] We find it in the public interest to authorize the corresponding launch of GE-5's C-band payload on a single-band satellite as well. GE Americom states that no party will be adversely affected by its proposal because grant of the modification application will not result in coordination difficulties or increase the number of orbit locations occupied by GE Americom spacecraft.[32] No party has opposed this application. We therefore approve GE Americom's request for modification of its authorization, and grant its application to launch and operate GE-7.

B. Reassignment of GE-7 to 137° W.L. and Satcom C-1 to 79° W.L.

American Communications, Inc., Memorandum Opinion and Order, 7 FCC Rcd 5169, 5169 ¶ 3 (Com. Car. Bur. 1992) (construction commencement demonstrates intention to proceed with business plan). *See also Norris Review Order*, 12 FCC Rcd at 22306 ¶ 17 (by failing to commence construction or request extension within the milestone deadline, licensee did not demonstrate a commitment to proceed with its proposed system); *NetSat 28 Company, L.L.C.*, Memorandum Opinion and Order, DA 00-1264 (Int'l. Bur., rel. June 26, 2000) (denied request for extension of construction commencement milestone); *Morning Star Satellite Company, L.L.C.*, Memorandum Opinion and Order, DA 00-1265 (Int'l. Bur., rel. June 26, 2000) (same); *PanAmSat Licensee Corp.*, Memorandum Opinion and Order, DA 00-1266 (Int'l. Bur., rel. June 26, 2000) (same).

[26] GE Americom Annual Report, Part I, *Status of Satellite Construction*, Page 1 (filed June 30, 2000).

[27] *Id.*

[28] *See e.g.*, 47 C.F.R. § 25.117.

[29] *See Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands*, CC Docket No. 92-166, 9 FCC Rcd 1094, 1100 ¶ 11 (1994).

[30] *AMSC Subsidiary Corporation*, Order and Authorization, 13 FCC Rcd 12316, 12318 ¶ 8 (Int'l Bur. 1998).

[31] *GE-5 Modification Order*, 14 FCC Rcd at 688 ¶¶ 6-7.

[32] October Modification Application at 7.

11. We also grant GE Americom's unopposed request to locate GE-7 at the 137º W.L. orbit location, currently occupied by its C-band only spacecraft, Satcom C-1, and to relocate Satcom C-1 to the 79° W.L. orbit location. GE Americom states that this change will allow it to better manage its fleet in response to customer demand. Specifically, GE Americom will be able to meet customer requirements for new C-band capacity in the western arc, particularly to better serve Alaska. In that regard, GE Americom requested that GE-7 be allowed to operate two beams, with the first beam conforming to the C-band specifications of GE-5 (except that it cannot serve the Caribbean), and the second beam, having somewhat higher power levels than those originally authorized for GE-5, designed to cover Alaska only.[33] We have previously allowed satellite operators to rearrange satellites in their fleet to reflect business and customer considerations where no other public interest factors are adversely affected.[34] We conclude that a grant of GE Americom's requests to modify orbit locations, and conform the GE-7 spacecraft to the requirements for service to Alaska, would serve the public interest. The modification will permit GE Americom to use GE-7 to enhance service to customers at the 137° W.L. orbit location, and to use Satcom C-1 to initiate C-band service at the 79° W.L. orbit location, as previously authorized under the *GE-5 Order*.

C. Request for STA to Test GE-7 at 146° W.L.

12. GE Americom has also requested special temporary authority to test GE-7 at 146° W.L. for a period of 90 days after launch, prior to implementation of service at 137º W.L.[35] It explains that the STA is needed to permit testing of GE-7 without disrupting the services being provided by Satcom C-1 at 137° W.L. GE Americom states that no other satellites are located within six degrees on either side of 146° W.L., and that testing at this location will not result in interference to other spacecraft. No comments were filed in regard to GE Americom's request.

13. Because testing is necessary in order to insure proper operation of a satellite, the Commission routinely grants requests to test newly launched satellites in otherwise unused orbit locations for a brief time, as long as other satellites are not subject to harmful interference. GE Americom's brief use of the 146° W.L. orbit location does not appear to conflict with any currently operating or soon to be launched satellite. Grant of GE Americom's request to test GE-7 at 146° W.L. for a period of 90 days following launch will serve the public interest because it will allow GE Americom to establish the health of the satellite prior to implementing full service to its customers. Grant of this STA is conditioned on GE Americom's coordinating this use with any potentially affected authorized users of the spectrum, not causing harmful interference to any lawfully operating satellite or radio communication systems, and accepting interference from such lawfully operating systems.

D. Request for Authorization to Operate Satcom C-1 at 141.5° W.L. on a Temporary Basis

14. We also grant GE Americom's unopposed request to operate Satcom C-1 at 141.5° W.L. on an interim basis pending its ultimate relocation to 79° W.L. GE Americom asserts that authorizing Satcom C-1 to provide interim service from 141.5° W.L will permit it to offer more reliable service to Alascom. Specifically, Alascom has requested that Satcom C-1 remain in the western arc pending launch

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[33] *Id.* at 5.

[34] *See, e.g., Hughes Communications Galaxy, Inc.*, Memorandum Opinion and Order, 5 FCC Rcd 4497 (Com. Car. Bur. 1990).

[35] *See* STA Request at 1.

of the GE-8/Aurora III satellite in the first quarter of 2001.[36] We agree that this interim use of Satcom C-1 will serve the public interest by providing back up capacity for essential services to Alaska. However, rather than modifying the Satcom C-1 license to authorize operation at 141.5° W.L., we grant an STA for Satcom C-1 to operate at that location for a period of 180 days commencing from the day that GE-7 becomes operational at 137° W.L. We believe an STA is more appropriate in this situation because the interim operation is requested for a relatively short time period. GE Americom states that it is the licensee of C-band spacecraft operating in the orbit locations to the east of 141.5° W.L. and that it will coordinate with PanAmSat operating on BrazilSat A1 at 144° W.L., and with Inmarsat's use of TT&C frequencies in this portion of the arc.[37] Grant of the STA is conditioned on GE Americom's successful coordination with potentially affected operators and upon Satcom C-1's not causing harmful interference to any authorized user.

E. Request for Authorization to Launch and Operate GE-8/Aurora III at 139° W.L.

15. Finally, we grant GE Americom's and Alascom's joint request for authority to launch and operate GE-8/Aurora III, a C-band replacement satellite, at the 139º W.L. orbit location. GE-8/Aurora III will replace Satcom C-5/Aurora II. GE Americom and Alascom propose to construct and launch the replacement satellite in the first quarter of 2001, in order to provide uninterrupted service to Alaska.[38]

16. A "replacement" satellite is one that is substituted for an existing satellite at the end of its life.[39] The Commission has stated that given the huge costs of building and operating space stations, "there should be some assurance that operators will be able to continue to serve their customers."[40] It has therefore acted on applications for replacement satellites as they are filed, without consolidating them into a processing group.[41] This application seeks authority only to launch and operate a replacement satellite, with no change in the number of orbital locations available or in GE Americom's service from the 139º W.L. orbital location.

17. We find that both GE Americom and Alascom are legally, technically and financially qualified to launch and operate the proposed replacement satellite, GE-8/Aurora III. GE Americom is a wholly-owned subsidiary of the General Electric Company, and Alascom is a wholly-owned subsidiary of AT&T Corp. Both entities have provided satellite services since the 1970's. The balance sheets of both parent companies indicate sufficient resources to cover the two-hundred million-dollar cost to construct, launch, and operate the satellite for a year. In addition, technical review of the GE-8 Request indicates that

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[36] Satcom C-1 Reassignment Amendment at 4-5. GE-8/Aurora III will replace Satcom C-5/Aurora II. *See supra* footnote 16 and accompanying text.

[37] Satcom C-1 Reassignment Amendment at 5.

[38] *Id.* at 4. *See also* GE-8 Request at 10.

[39] *See Licensing Space Stations in the Domestic Fixed-Satellite Service*, Report and Order, 50 Fed. Reg. 36071 ¶¶ 26-27 (Sept. 5, 1985).

[40] *See Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, Memorandum Opinion and Order, 3 FCC Rcd 6972, 6976 n.31 (1998).

[41] *See GE American Communications, Inc.*, Order and Authorization, 10 FCC Rcd 13775, 13775 ¶ 6 (Int'l Bur. 1995).

the spacecraft complies with Commission technical requirements, including our two-degree spacing policies.[42]

18. GE Americom's and Alascom's intended use of this satellite, as a replacement for its Satcom C-5/Aurora II, will provide continuity of service to its customers. GE-8/Aurora III will provide voice, video and data services to users in Alaska. We find that grant of this application is in the public interest.

19. By accepting this authorization, GE Americom and Alascom relinquish any right to the continued operation of Satcom C-5/Aurora II at the time they begin commercial operations of GE-8/Aurora III. GE Americom and Alascom must inform the Commission when commercial operations of GE-8/Aurora III commence.

IV. CONCLUSION

20. Grant of GE Americom's requests to launch and modify space station authorizations is in the public interest as it will promote efficient use of the western orbital arc for service to Alaska, and provide GE Americom with the flexibility needed to manage its fleet to meet customer requirements. In addition, authorizing GE Americom and Alascom to launch and operate GE-8/Aurora III will assure that essential services are available to residents of Alaska.

V. ORDERING CLAUSES

21. Accordingly, IT IS ORDERED, that GE American Communications, Inc. Request for Milestone Extension, File No. 41-SAT-ML-97, IS GRANTED to the extent indicated herein, and the launch date of GE-7 is extended from December 30, 1999 to October 14, 2000.

22. IT IS FURTHER ORDERED that the GE American Communications, Inc. Request for Modification, File No. SAT-MOD-19981023-00074, IS GRANTED to the extent indicated herein and *Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, 11 FCC Rcd 13788 (1996) and *GE American Communications, Inc.*, 11 FCC Rcd 15030 (Int'l Bur. 1996), ARE MODIFIED to permit GE American Communications, Inc. to launch and operate GE-7, a C-band satellite, at the 137° W.L. orbit location.

23. IT IS FURTHER ORDERED that the GE American Communications, Inc. Request for Modification, File No. SAT-MOD-19981023-00073, as amended June 1, 1999, File No. SAT-AMD-19990601-00060, IS GRANTED to the extent indicated herein and that GE American Communications, Inc.'s Satcom C-1 is reassigned to the 79° W.L. orbit location following the successful launch of GE-7.

24. IT IS FURTHER ORDERED that the GE American Communications, Inc. Request for Special Temporary Authority to test the GE-7 spacecraft at 146° W.L., File No. SAT-STA-20000602-00098, IS GRANTED to the extent indicated herein, subject to the following conditions:

(a) GE Americom shall coordinate its test operations with all potentially affected operating satellite networks;

[42] For more information regarding the Commission's two-degree spacing policy, see *Licensing Space Stations in the Domestic Fixed-Satellite Service*, 48 Fed. Reg. 40233, 54 Rad. Reg. 2d (P&F) 577 (1983) and *Televisa International, LLC.*, Order and Authorization, 13 FCC Rcd 10074, 10076-77 ¶¶ 7-9 (Int'l Bur. 1997).

(b) No harmful interference shall be caused to any lawfully operating satellite network or radio communication system and GE Americom operations shall cease immediately upon notification of harmful interference; further, GE Americom shall notify the Commission in writing that it has received such a notification within 14 days of receipt;

(c) GE Americom will accept interference from any lawfully operating satellite network or radio communication system;

(d) Testing authority is limited to the bands for which the GE-7 satellite is authorized;

(e) This authorization is subject to change in any of its terms or cancellation in its entirety at any time upon reasonable notice, but without hearing, if in the opinion of the Commission, circumstances require;

(f) This temporary authority shall commence on the date GE Americom launches GE-7, currently scheduled for September 2000, and terminate 90 days from that date;

(g) GE Americom shall notify the Commission in writing no later than seven days after it has completed testing of GE-7 and commenced the move of GE-7 to its assignment at the 137° W.L. orbit location; and

(h) This temporary authority is for testing purposes and shall not be used for the provision of commercial service.

25. IT IS FURTHER ORDERED that GE American Communications, Inc. IS GRANTED Special Temporary Authority to operate its Satcom C-1 satellite at 141.5° W.L. to the extent indicated herein, subject to the following conditions:

(a) GE Americom shall coordinate its operations with all potentially affected operating satellite networks;

(b) No harmful interference shall be caused to any lawfully operating satellite network or radio communication system and GE Americom operations shall cease immediately upon notification of harmful interference; further, GE Americom shall notify the Commission in writing that it has received such a notification within 14 days of receipt;

(c) GE Americom will accept interference from any lawfully operating satellite network or radio communication system;

(d) This authorization is subject to change in any of its terms or cancellation in its entirety at any time upon reasonable notice, but without hearing, if in the opinion of the Commission, circumstances require;

(e) This temporary authority shall commence on the date GE-7 becomes operational at the 137° W.L. orbit location, and terminate 180 days from that date; and

(f) This grant of temporary authority will terminate upon notification of interference to any lawfully operating in-orbit satellite or within 30 days of the proposed launch of a satellite having priority status with the International Telecommunication Union at 141.5° W.L. or an immediately adjacent orbit location that would be affected by GE Americom's operations; further, GE Americom shall notify the Commission accordingly.

26. IT IS FURTHER ORDERED that GE American Communications, Inc. and Alascom, Inc. Application for Authority, File No. SAT-LOA-19990601-00061, IS GRANTED and that GE American Communications, Inc. and Alascom, Inc. are authorized to launch and operate their GE-8/Aurora III

satellite at 139º W.L. in accordance with the terms, conditions and technical specifications set forth in its application.

27. IT IS FURTHER ORDERED that unless extended by the Commission for good cause shown, the above referenced authorization for GE-8/Aurora III shall become NULL AND VOID in the event the space station is not launched and successfully placed into operation by March 31, 2001.

28. IT IS FURTHER ORDERED that operations over GE-7 at the 137º W.L. orbital location, GE-8/Aurora III at the 139º W.L. orbital location, and Satcom C-1 at the 79º W.L. orbital location, SHALL BE in compliance with all international coordination agreements reached regarding the respective orbital locations.

29. IT IS FURTHER ORDERED that GE American Communications, Inc. and Alascom, Inc. shall prepare any further information required to be submitted to the ITU to complete the advance publication, international coordination, and notification process for both GE-7 and GE-8/Aurora III, in accordance with the ITU Radio Regulations. We also remind all licensees that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations, 47 C.F.R. § 25.111(b).

30. IT IS FURTHER ORDERED that the assignment of any orbital location to GE American Communications, Inc. and Alascom, Inc. is subject to change by summary order of the Commission on 30 days notice and does not confer any permanent right to use the orbit and spectrum.

31. IT IS FURTHER ORDERED that GE American Communications, Inc. and Alascom, Inc. are obliged to comply with the applicable laws, regulations, rules, and licensing procedures in those countries they propose to serve.

32. GE American Communications, Inc. and Alascom, Inc. are afforded thirty days from the date of release of this *Order* to decline this authorization. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

33. This *Order* is issued pursuant to Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the release of this *Order* (*see* 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz
Chief, Satellite & Radiocommunication Division,
International Bureau