

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

In the Matter of	)	
	)	
PANAMSAT LICENSEE CORP.	)	SAT-LOA-19991119-00112
	)	SAT-STA-20010608-00049
Application for authority to launch	)	SAT-STA-20010627-00059
and operate a replacement hybrid fixed-	)	
satellite service space station at 68.5 E.L	)	
known as PAS-24	)	

**ORDER AND AUTHORIZATION**

Adopted: July 3, 2001

Released: July 5, 2001

By the Chief, Satellite and Radiocommunication Division:

**I. INTRODUCTION**

1. By this Order, we authorize PanAmSat Licensee Corp. ("PanAmSat") to operate its PAS-24 satellite at 68.5° E.L. using both C and Ku-bands. Grant of this application will permit PanAmSat to provide continuity of service to customers whose communications requirements are currently satisfied by the PAS-6 satellite that is now operating at 68.5° E.L. In addition, this Order confirms two previously granted requests for special temporary authority (STA) to permit temporary relocations of the PAS-24 and PAS-6 satellites.

**II. BACKGROUND**

2. On November 19, 1999, PanAmSat filed an application to launch and operate a hybrid C/Ku band satellite at 68.5° E.L. No parties filed comments in response to the public notice of the application. PanAmSat states that its PAS-6 satellite currently operating at this location has experienced a failure of a primary spacecraft control processor, and that this situation endangers continuity of service.<sup>1</sup> PAS-24 will replace PAS-6 and operate in the 14.0-14.5 GHz and 5925-6425 MHz receive frequencies and in the 11.45-11.7 GHz, 12.25-12.75 GHz, and 3700-4200 MHz transmit frequencies.

3. On May 14, 2001, PanAmSat was granted Special Temporary Authority (STA) to launch its PAS-24 satellite and conduct in-orbit testing at 72° E.L.<sup>2</sup> At the time, permanent

<sup>1</sup> Application at p. 3.

<sup>2</sup> File No. SAT-STA-20010319-00021.

authority could not be granted because of an unresolved operational issue involving an adjacent satellite operator.

4. On June 15, 2001, PanAmSat received a verbal STA to move its PAS-6 satellite to 68.44° E.L. to make room for the PAS-24 satellite once it completed in-orbit testing and was ready to assume its 68.5° E.L. orbital location.<sup>3</sup> With the resolution of the operational issue referenced above, PanAmSat was granted a second verbal STA on June 26, 2001, to drift its PAS-24 satellite from 72° E.L. to 68.5° E.L.

### III. DISCUSSION

5. In authorizing PanAmSat to conduct in-orbit testing at the 72° E.L. orbital location, we, in effect, found that PanAmSat was legally, financially, technically and otherwise qualified to launch its PAS-24 satellite. We find here that PanAmSat possesses the requisite qualifications to operate the PAS-24 satellite at 68.5° E.L.<sup>4</sup> PanAmSat's legal qualifications to be a Commission licensee are a matter of record.<sup>5</sup> With respect to financial qualifications, PanAmSat, in its application, provided a balance sheet and income statements of its parent, Hughes Electronic Corporation ("HEC"), demonstrating adequate funds to finance the construction, launch, and operation for one year of PAS-24. HEC's balance sheet as of December 31, 1999 shows total current assets of \$3.8 billion which is more than adequate to cover PanAmSat's estimated cost of \$206 million to construct, launch, and operate PAS-24 for one year.<sup>6</sup> Further, we find that PAS-24 complies with all Commission technical requirements.

6. We also find that grant of PanAmSat's application will serve the public interest. PAS-24 will replace the in-orbit PAS-6 satellite that has experienced problems with a spacecraft control processor (SCP). PanAmSat states this problem makes the satellite unfit for service at the 68.5° E.L. because its customers use PAS-6 as a hub for international video distribution, making the services provided at that location critical to the maintenance of the customers' international networks.<sup>7</sup> PanAmSat states that the lack of SCP redundancy is of grave concern to these customers. Under similar circumstances, the Commission will generally authorize a

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<sup>3</sup> PAS-6 will remain at the 68.44° E.L. orbital location until all of its traffic is downloaded to PAS-24. On June 14, 2001, PanAmSat requested authority to move PAS-6 to 72° E.L. See Application for Modification of Space Station Authorization, SAT-MOD-20010614-00052 (June 14, 2001). This Order is without prejudice to any action the Commission may take regarding that request.

<sup>4</sup> See *Licensing Space Stations in the Domestic Fixed-Satellite Service*, 58 R.R.2d (P&F) 1267, 1272-3 (1985) (1985 Orbit Assignment Order).

<sup>5</sup> See *PanAmSat Licensee Corp.*, 14 FCC Rcd 7725 (1999) [finding that PanAmSat was legally, financially and technically qualified to launch and operate the PAS- 8B satellite] and *PanAmSat Licensee Corp.*, 15 FCC Rcd 22156 (2000) [finding that PanAmSat was legally, financially and technically, qualified to launch and operate the PAS-1R satellite].

<sup>6</sup> An applicant relying on internal financing must submit a balance sheet documenting current assets and operating income sufficient to cover its costs. Current assets -- which include cash, inventory, and accounts receivable -- provide a general measure of a company's ability to raise funds on the basis of its on-going operations. See 47 C.F.R. § 25.114(c)(13); 1985 *Orbit Assignment Order* at 1272.

<sup>7</sup> Application for Modification of Space Station Authorization, p. 1, note 2.

replacement satellite at the same location as the satellite it is replacing to ensure continuity of service.<sup>8</sup> In this instance, replacement will ensure continuity of service to PanAmSat's C- and Ku-band customers receiving service from the 68.5° E.L. orbit location.

#### **IV. ORDERING CLAUSES**

7. Accordingly, IT IS ORDERED that PanAmSat's application, File No. SAT-LOA-19991119-00112 IS GRANTED and PanAmSat is authorized to operate its PAS-24 satellite at 68.5° E.L. in accordance with terms, conditions, and technical specifications set forth in its application. The license term for the PAS-24 satellite is ten years and will begin to run on the date the licensee certifies to the Commission that the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization.

8. IT IS FURTHER ORDERED that this Order confirms the grant of the verbal STA on June 15, 2001 for PanAmSat to move its PAS-6 satellite to 68.44° E.L. (SAT-STA-20010608-00049) for a period of 60 days and the grant of the verbal STA on June 25, 2001 to allow PanAmSat to drift the PAS-24 satellite from 72° E.L. to 68.5° E.L. (SAT-STA0627-00059).

9. IT IS FURTHER ORDERED that PanAmSat shall prepare the necessary information, as may be required, for submission to the ITU to initiate and complete the advance publication, international coordination, and notification process of this space station 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. *See* 47 C.F.R. § 25.111(b).

10. IT IS FURTHER ORDERED that PanAmSat is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of any countries it proposes to serve.

11. PanAmSat is afforded thirty days from the date of release of this order and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

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<sup>8</sup> *See AT&T Corp.*, 11 FCC Rcd 15038 (1996). *See also Hughes Communications Galaxy, Inc.*, 3 FCC Rcd. 6989 (1988).

12. This Order is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon adoption. 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 and Radiocommunication Division