

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

In the Matter of )
)
Loral Skynet Network Services, Inc. ) File Nos.: SES-MFS-20060224-00295
) SES-MFS-20060412-00619
Applications for Authority to Add )
Bhutan, Palau, Micronesia, Vietnam, ) Call Sign: E980250
Afghanistan, and French Polynesia )
As Destination Points for Loral's )
Fixed Earth Station in Kapolei, Hawaii )

ORDER AND AUTHORIZATION

Adopted: December 11, 2006

Released: December 11, 2006

By the Chief, Satellite Division, International Bureau:

I. INTRODUCTION

1. By this Order, we authorize Loral Skynet Network Services, Inc. (Loral) to provide service to the Kingdom of Bhutan (Bhutan), Palau, the Federated States of Micronesia, Afghanistan, Vietnam, and French Polynesia from its Kapolei, Hawaii, earth station (Kapolei earth station) via the Telstar 18 satellite.1 Grant of this application represents another step in

1 On June 22, 2004, the Commission granted Loral's request to provide Tracking, Telemetry, and Command ("TT&C") operations for the Telstar 18 satellite via the Kapolei, Hawaii earth station. See Satellite Communications Information Re: Actions Taken, Public Notice, Report No. SES-00616 (released June 23, 2004) (granting IBFS File No. SES-MOD-20040115-00131, as amended by IBFS File No. SES-AMD-20040510-00662). On June 13, 2005, the Commission granted Loral's request for special temporary authority to operate the Kapolei earth station using the 6425-6650 MHz frequency band. See Satellite Communications Services Information, Public Notice, Report No. SES-00722 (released June 15, 2005) (granting IBFS File No. SES-STA-20050412-00430). On July 1, 2005, the Satellite Division (Division) granted Loral's application for authority to communicate with the Telstar 18 satellite using the conventional C-band frequencies. See Loral Skynet Network Services, Inc., Application for Authority to Provide Communication Services via the Telstar 18 Satellite from Loral's Fixed Earth Station in Kapolei, Hawaii Using the Conventional C-band Frequencies, Order and Authorization, 20 FCC Rcd 11856 (Int'l. Bur., Sat. Div. 2005) ("Loral Telstar 18 Order"). On August 17, 2005, the Commission granted Loral's request for special temporary authority to provide services to Kazakhstan via the Telstar 18 satellite and the Kapolei earth station. See Satellite Communications Services Information, Public Notice, Report No. SES-00743 (released Aug. 24, 2005) (granting IBFS File Nos. SES-STA-20050815-01103, SES-STA-20050819-01118, and SES-STA-20051101-01499). On October 4, 2005, the Commission granted Loral's request for an extension of its existing special temporary authority to operate the Kapolei earth station using the 6425-6650 MHz frequency band. See Satellite Communications Services Information, Public Notice, Report No. SES-00755 (released Oct. 5, 2005) (granting IBFS File No. SES-STA-20050915-01259). On February 9, 2006, the Division granted Loral's requests to expand the range of C-band frequencies on which its Kapolei earth station may access the Telstar 18 satellite, and to

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implementing U.S. market-opening commitments to satellite operators licensed by other countries, and will enable Loral to expand the reach of its service.

## II. BACKGROUND

2. The Commission's *DISCO II Order*<sup>2</sup> implemented the market-opening commitments made by the United States in the World Trade Organization ("WTO") Agreement on Basic Telecommunications Service ("WTO Basic Telecom Agreement"). These commitments allow new entrants and technologies into the U.S. market, thus advancing the growth of satellite services around the globe. In particular, the *DISCO II Order* established a framework under which the Commission will consider requests for non-U.S.-licensed space stations to serve the United States. To implement this framework, the Commission, among other things, established a procedure by which a service provider in the United States could request immediate access to a foreign in-orbit space station that would serve the U.S. market.<sup>3</sup> This procedure allows a U.S. earth station operator seeking to communicate with a non-U.S.-licensed space station to file an earth station application for an initial license or for a modification of its existing earth station license, listing the foreign-licensed space station as a permitted point of communication.

3. Because the Commission does not issue duplicative U.S. licenses for space stations licensed by other countries,<sup>4</sup> a U.S. earth station application often represents the Commission's first opportunity to evaluate whether the foreign-licensed space station complies with the Commission's technical, legal, and financial qualification requirements. The first earth station application seeking to communicate with a particular foreign-licensed space station must therefore include the same detailed information about the space station and its operations that the Commission requires from U.S. space station applicants.<sup>5</sup>

4. In July 2005, the International Bureau (Bureau) granted Loral's application to add the Telstar 18 satellite,<sup>6</sup> which is located at the 138° E.L. orbital location and licensed by the

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authorize the Kapolei earth station to provide service to Kazakhstan via the Telstar 18 satellite. See Loral Skynet Network Services, Inc., Application for Authority to Add the Extended C-Band Frequencies and to Add Kazakhstan as a Destination Point for Loral's Fixed Earth Station in Kapolei, Hawaii, *Order and Authorization*, 21 FCC Rcd 1434 (Int'l. Bur., Sat. Div. 2006) ("*Loral Kazakhstan Order*"). Finally, on February 9, 2006, the Commission granted Loral's request to add the 3625-3700 MHz (downlink) and 5850-5925 MHz (uplink) frequencies to its Kapolei earth station authorization. See Satellite Communications Services Information, *Public Notice*, Report No. SES-00797 (released Feb. 22, 2006) (granting IBFS File No. SES-AMD-20051115-01573).

<sup>2</sup> Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, *Report and Order*, 12 FCC Rcd 24094 (1997) ("*DISCO II Order*").

<sup>3</sup> *DISCO II Order*, 12 FCC Rcd at 24174, para. 186.

<sup>4</sup> *Id.* at 24174, para. 188.

<sup>5</sup> See 47 C.F.R. § 25.137.

<sup>6</sup> In total, the spacecraft contains 38 C-band transponders (24 of which operate in the conventional C-band and 14 of which operate in the extended C-band) and 16 Ku-band transponders. The conventional and extended C-band frequencies on the spacecraft are licensed by the Kingdom of Tonga under the name "Tongasat C/KU-3." The Ku-

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Kingdom of Tonga (Tonga), as a point of communication for its Kapolei earth station using the conventional C-band frequencies to provide fixed-satellite services (FSS) (excluding direct-to-home (DTH) service).<sup>7</sup> In granting the application, the Bureau found that the Telstar 18 satellite complies with the Commission's technical, legal, and financial qualification requirements. The Bureau also found that Tonga provides "effective competitive opportunities" for U.S.-licensed space stations to provide FSS in Tonga.<sup>8</sup> In February 2006, the Bureau granted Loral's application to modify its Kapolei earth station authorization to allow it to transmit to Telstar 18 in the extended C-band frequencies (6425-6650 MHz) and to add Kazakhstan as a destination point of communications from the earth station via the Telstar 18 satellite.<sup>9</sup>

5. On February 24, 2006, Loral filed an application to add Bhutan, Palau, and the Federated States of Micronesia as destination points of communications from its Kapolei earth station via the Telstar 18 satellite.<sup>10</sup> This application was placed on public notice as acceptable for filing on March 8, 2006.<sup>11</sup> On April 12, 2006, Loral filed an application to add Afghanistan, Vietnam, and French Polynesia as destination points of communications from its Kapolei earth station via the Telstar 18 satellite.<sup>12</sup> This application was placed on public notice as acceptable for filing on April 26, 2006.<sup>13</sup> No comments were filed.

### III. DISCUSSION

#### A. General Framework

6. In *DISCO II*, the Commission set forth the public interest analysis applicable in evaluating applications to use non-U.S.-licensed space stations to provide satellite service in the United States. This analysis considers the effect on competition in the United States,<sup>14</sup> eligibility and operating requirements,<sup>15</sup> spectrum availability,<sup>16</sup> and national security, law enforcement,

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band frequencies on the spacecraft are licensed by the People's Republic of China under the name of "Apstar V." Loral refers to the spacecraft with all its payloads as "Telstar 18." For ease of reference, in this Order, "Telstar 18" refers only to the conventional and extended C-band frequencies.

<sup>7</sup> See *Loral Telstar 18 Order*. The "conventional" C-band refers to frequencies in the 3700-4200 MHz (downlink) and 5925-6425 MHz (uplink) bands.

<sup>8</sup> *Loral Telstar 18 Order*, 20 FCC Rcd at 11859, para. 9.

<sup>9</sup> See *Loral Kazakhstan Order*. In addition, on February 9, 2006, the Commission granted Loral's request to add the 3625-3700 MHz (downlink) and 5850-5925 MHz (uplink) frequencies to its Kapolei earth station authorization. See Satellite Communications Services Information, *Public Notice*, Report No. SES-00797 (released February 22, 2006) (granting IBFS File No. SES-AMD-20051115-01573).

<sup>10</sup> IBFS File No. SES-MFS-20060224-00295 (First Loral Application).

<sup>11</sup> See Satellite Communications Services, *Public Notice*, Report No. SES-00801 (released March 8, 2006).

<sup>12</sup> IBFS File No. SES-MFS-20060412-00619 (Second Loral Application).

<sup>13</sup> See Satellite Communications Services, *Public Notice*, Report No. SES-00814 (released April 26, 2006).

<sup>14</sup> *DISCO II Order*, 12 FCC Rcd at 24107-56, paras. 30-145.

<sup>15</sup> *Id.* at 24159-69, paras. 151-74.

<sup>16</sup> *Id.* at 24157-59, paras. 146-50.

foreign policy, and trade concerns.<sup>17</sup> We evaluate the Loral request to provide FSS to Bhutan, Palau, the Federated States of Micronesia, Afghanistan, Vietnam, and French Polynesia from its Kapolei earth station via the Telstar 18 satellite under this framework.

## B. Competition Considerations

7. In the *DISCO II Order*, the Commission adopted two different frameworks under which it would evaluate the foreign entrant's effect on competition in the U.S. satellite market. First, in cases where the non-U.S.-licensed space station is licensed by a country that is a member of the WTO and will provide services covered by the U.S. commitments under the WTO Basic Telecom Agreement, the Commission established a presumption that entry will further competition in the United States. The U.S. commitments include FSS, but specifically exclude direct-to-home (DTH) services, Direct Broadcast Satellite Service (DBS), and Digital Audio Radio Service (DARS).<sup>18</sup> This means that we will presume that WTO-Member-licensed space stations providing WTO-covered services satisfy the competition component of the public interest analysis. The Commission concluded that the market access commitments made under the WTO Basic Telecom Agreement will help ensure the presence and advancement of competition in the satellite services market and yield the benefits of a competitive marketplace to consumers in the United States and other countries.<sup>19</sup> In contrast, the Commission conducts an "ECO-Sat" analysis for non-U.S.-licensed space stations licensed by countries that are not WTO members. Under this analysis, applicants seeking to access a foreign space station must demonstrate that U.S.-licensed space stations have effective competitive opportunities to provide analogous services in the country in which the space station is licensed ("home" market) and in all countries in which communications with the U.S. earth station will originate or terminate ("route" markets).<sup>20</sup>

8. The Bureau has previously found that the Kingdom of Tonga, which is not a WTO member, provides effective competitive opportunities for U.S.-licensed space stations to provide FSS in Tonga.<sup>21</sup> It also found that all the route markets that Loral proposed at that time were WTO-member countries and therefore entitled to the presumption that service to these countries would promote competition.<sup>22</sup> In this proceeding, Loral proposes to add six route markets to countries that are not WTO members: Bhutan, Palau, the Federated States of Micronesia, Afghanistan, Vietnam, and French Polynesia. We must, therefore, conduct an ECO-Sat analysis of each of these countries with respect to Loral's request to add them as "route" markets, in accordance with Section 25.137(a) of the Commission's rules.<sup>23</sup>

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<sup>17</sup> *Id.* at 24169-72, paras. 175-82.

<sup>18</sup> *DISCO II Order*, 12 FCC Rcd at 24104, para. 25.

<sup>19</sup> *Id.* at 24112, para. 39.

<sup>20</sup> 47 C.F.R. § 25.137(a).

<sup>21</sup> *See Loral Telstar 18 Order*, 20 FCC Rcd at 11859, para. 9.

<sup>22</sup> *Id.* If the satellite is licensed by a non-WTO member, we must conduct an ECO-Sat analysis for each "route" market that is not a WTO-member nation. 47 C.F.R. § 25.137(a).

<sup>23</sup> 47 C.F.R. § 25.137(a).

9. Loral states that Bhutan maintains an “open skies” policy<sup>24</sup> under which it has authorized a U.S.-licensed FSS space station operated by Intelsat to provide service to Bhutan.<sup>25</sup> Specifically, the U.S.-licensed Intelsat 904 satellite located at the 60° E.L. orbital location provides service to Bhutan.<sup>26</sup> Moreover, according to Loral, Bhutan has “observer” status at the WTO and is currently undergoing the examination process for WTO membership.<sup>27</sup>

10. Loral explains that Palau is a self-governing territory in free association with the United States pursuant to a Compact of Free Association (Compact) which was signed in 1994.<sup>28</sup> In accordance with the Compact, Palau is responsible for its domestic affairs and conducts foreign policy as a sovereign nation, and the United States is responsible for the security and defense of Palau.<sup>29</sup> The Compact also provides that the United States is the administration entitled to make notifications to the International Frequency Registration Board of the International Telecommunication Union for frequency assignments to communications facilities in Palau.<sup>30</sup> Loral states that Palau maintains an “open skies” policy under which it has authorized U.S.-licensed FSS space stations to serve Panama. Specifically, Palau has authorized the U.S.-licensed Intelsat 701 satellite located at the 180° E.L. orbital location and the Netherlands-licensed New Skies’ NSS 5 satellite located at the 177° W.L. orbital location to provide service to Palau. Loral further explains that Palau previously received communications services from the Intelsat 804 satellite, which experienced a total loss on January 14, 2005, due to a sudden electrical power system anomaly.<sup>31</sup> In addition, Loral states that Palau is considered an underserved area and thus replacement of communications services is vital.<sup>32</sup>

11. Loral states that the Federated States of Micronesia (Micronesia) maintains an “open skies” policy under which it has authorized U.S.-licensed space stations to provide service to Micronesia.<sup>33</sup> Specifically, Loral states that Micronesia has authorized the U.S.-licensed Intelsat 701 satellite located at the 180° E.L. orbital location, the New Skies’ NSS 5 satellite located at the 177° W.L. orbital location, and PanAmSat’s PAS 2 satellite located at the 169°

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<sup>24</sup> The phrase “open skies” policy generally refers to a policy in which a country attempts to accommodate the maximum number of systems possible to provide a particular service in order to maximize entry and competition in its satellite service market. See 2002 International Bureau Biennial Review Staff Report, 18 FCC Rcd 4196, 4199, para. 6 (2002).

<sup>25</sup> First Loral Application at Attachment C.

<sup>26</sup> Bhutan ECO-Sat analysis (Loral needs to submit this via IBFS)

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*; U.S. Public Law 99-658; 48 U.S.C.A. § 1931. Palau was previously considered a Trust Territory of the Pacific Islands (TTPI), a designation which was created by the United Nations in 1947. The United States was the administering authority of the TTPI.

<sup>29</sup> First Loral Application at Attachment C.

<sup>30</sup> *Id.*; U.S. Public Law 99-658, Title I, Article III; 48 U.S.C.A. § 1931 (Title I, Article III, Historical and Statutory Notes).

<sup>31</sup> First Loral Application at Exhibit C.

<sup>32</sup> First Loral Application at Exhibit C.

<sup>33</sup> First Loral Application at last page.

E.L. orbital location.<sup>34</sup>

12. Loral states that Afghanistan maintains an “open skies” policy under which it has authorized the U.S.-licensed Intelsat 709 satellite located at the 85° E.L. orbital location, the New Skies’ NSS 6 satellite located at the 95° E.L. orbital location, and the Russian-licensed AM2 satellite located at the 80° E.L. orbital location to provide service to Afghanistan.<sup>35</sup> Loral also states that Afghanistan has requested accession to the WTO and a WTO working party is presently reviewing this request.<sup>36</sup>

13. Loral states that Vietnam maintains an “open skies” policy under which it has authorized the Intelsat 701 satellite, the New Skies’ NSS 6 satellite, and two Russian-licensed Intersputnik satellites to provide service to Vietnam.<sup>37</sup> Loral also states that Vietnam has requested accession to the WTO and a WTO working party is presently reviewing this request.<sup>38</sup>

14. Finally, Loral states that French Polynesia maintains an “open skies” policy under which it has authorized the Intelsat 904 satellite, PanAmSat’s PAS 2 satellite, and New Skies’ NSS 5 satellite to provide service to French Polynesia.<sup>39</sup> Loral further explains that French Polynesia previously received communications services from the Intelsat 804 satellite, which, as mentioned earlier, experienced a total loss on January 14, 2005 due to a sudden electrical power system anomaly.<sup>40</sup> In addition, Loral states that French Polynesia is considered an underserved area and thus replacement of communications services is vital.<sup>41</sup>

15. Nothing in the record before us weighs against any of Loral’s arguments summarized above. Accordingly, based on the demonstrations that Loral has made in the record in this proceeding, we find that Loral has shown that U.S.-licensed satellite operators have effective competitive opportunities in all six route markets that Loral seeks to access.

## C. Eligibility Requirements

### 1. Legal Qualifications

16. In the *DISCO II Order*, the Commission stated that it would require non-U.S. space station operators to meet the same technical, legal, and financial qualifications that U.S.-licensed space station operators must meet to obtain a license.<sup>42</sup> In the *Loral Telstar 18 Order*, we found Loral legally qualified to provide service in the United States. Nothing in the record

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<sup>34</sup> *Id.*

<sup>35</sup> Second Loral Application at Attachment 1.

<sup>36</sup> *Id.*

<sup>37</sup> Second Loral Application at Attachment 2.

<sup>38</sup> *Id.*

<sup>39</sup> Second Loral Application at Attachment 3.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *DISCO II Order*, 12 FCC Rcd at 24161-63, paras. 154-59.

here suggests that we change this conclusion.

## 2. Technical Qualifications

17. The Commission's satellite licensing policy is predicated upon two-degree orbital spacing between geostationary satellites.<sup>43</sup> This policy permits the maximum use of the geostationary satellite orbit.<sup>44</sup> All space stations, including non-U.S. satellites seeking to serve the U.S. market, must comply with the Commission's technical requirements designed to permit two-degree orbital spacing before being authorized to provide service in the United States.<sup>45</sup> The Commission may license satellites that are not two-degree compliant (or earth stations seeking to access such), but only when the applicants can demonstrate that their operations will not cause harmful interference to existing compliant satellite operations. Further, non-conforming operations are authorized conditioned upon a licensee accommodating future satellite networks serving the United States that are two-degree compliant.

18. In the *Loral Telstar 18 Order*, the Division found that Telstar 18 was not capable of switching polarity upon ground command, as required by Section 25.210(a)(3) of the Commission's rules.<sup>46</sup> However, the Division granted Loral's request to waive section 25.210(a)(3) of the Commission's rules,<sup>47</sup> and this waiver remains in effect. For the reasons discussed in the *Loral Telstar 18 Order*, we find that there is also good cause to extend this waiver to the six route markets at issue in this Order. The waiver was conditioned upon Loral's preclusion from using the Kapolei earth station to transmit or receive analog television signals to or from the Telstar 18 satellite, and a requirement that Loral accommodate future satellite networks serving the United States that are two-degree compliant.<sup>48</sup> These conditions will remain in effect, and will apply to Loral's communications with the six new route markets that it is authorized to access in this Order. Based on our review of the technical information Loral submitted, and in light of the waiver of Section 25.210(a)(3) we grant here, we conclude that Loral is technically qualified to operate Telstar 18 for purposes of communications to and from Kapolei and the six route markets at issue in this Order.

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<sup>43</sup> See 47 C.F.R. § 25.140; Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations, *Report and Order*, CC Docket No. 81-704, FCC 83-184, 54 Rad. Reg. 2d 577 (1983); *summary printed in* Licensing Space Stations in the Domestic Fixed-Satellite Service, 48 F.R. 40233 (1983).

<sup>44</sup> See Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, *Order and Authorization*, 11 FCC Rcd 13788, 13790, para. 6 (1996). Prior to the Commission's adoption of the two-degree spacing policy, satellites in the geostationary satellite orbit were usually spaced three or four degrees apart. By adopting rules that enabled satellite operators to place their space stations two degrees apart, the Commission was able to accommodate more geostationary satellites.

<sup>45</sup> See Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 10760, para. 300 (2003). ("*First Space Station Reform Order*").

<sup>46</sup> See *Loral Telstar 18 Order*, 20 FCC Rcd at 11860, para. 13.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

### 3. Financial Qualifications

19. In the *First Space Station Reform Order*, the Commission eliminated the financial requirements then in place and replaced them with a bond requirement.<sup>49</sup> In accordance with this requirement, any entity awarded a license for a satellite must execute a payment bond, payable to the U.S. Treasury, within 30 days of the date of the license grant.<sup>50</sup> This requirement is intended to ensure that licensees are financially able and committed to implementing their systems in a timely manner. The bond is payable upon failure to meet any of the implementation milestones included in every license. Once the licensee meets the last milestone, that is, it launches the satellite, it no longer has any bond obligation. This requirement applies to both U.S.-licensed space stations and space stations licensed by other countries that seek to serve the U.S. market.<sup>51</sup> Because Telstar 18 is in-orbit and operating, Loral is not required to post a bond.

#### D. **Spectrum Availability**

20. In the *DISCO II Order*, the Commission determined that, given the scarcity of geostationary-satellite orbit locations and spectrum resources, it would consider spectrum availability as a factor in determining whether to allow a foreign satellite to serve the United States.<sup>52</sup> Specifically, the Commission stated that, when grant of access would create interference with U.S.-licensed systems, the Commission may impose technical constraints on the foreign space station's operations in the United States or, when the interference cannot be remedied, deny access.<sup>53</sup>

21. The Telstar 18 satellite currently provides service to the United States from the 138° E.L. orbital location in the conventional and extended C-bands.<sup>54</sup> There is no evidence in the record of any other satellite or earth station operator receiving harmful interference from Telstar 18. Accordingly, we conclude that there are no spectrum availability issues that would preclude us from granting Loral's request to add six route markets to its Kapolei earth station license.

#### E. **Other Requirements**

22. As described above, in accordance with the *DISCO II Order*, national security, law enforcement, foreign policy, and trade concerns are included in the public interest analysis.<sup>55</sup> There is nothing in Loral's application that raises any such concerns.

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<sup>49</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10826, para. 170.

<sup>50</sup> See 47 C.F.R. § 25.165.

<sup>51</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10875, para. 309.

<sup>52</sup> *DISCO II Order* at 24159, para. 150.

<sup>53</sup> *Id.*

<sup>54</sup> See *Loral Telstar 18 Order*.

<sup>55</sup> *DISCO II Order* at 24170-72, paras. 178-82.



#### IV. CONCLUSION

23. Based on the foregoing analysis, we conclude that Loral has demonstrated that U.S.-licensed space stations have effective competitive opportunities to provide FSS in Bhutan, Palau, the Federated States of Micronesia, Afghanistan, Vietnam, and French Polynesia. We therefore grant Loral's application, subject to the conditions set forth in this Order, finding such grant to be in the public interest.

#### V. ORDERING CLAUSES

24. Accordingly, IT IS ORDERED that, pursuant to Sections 303(r), 308, 309, and 310 of the Communications Act of 1934, as amended, 47 C.F.R. §§ 303(r), 308, 309, 310, and Sections 25.115 and 25.121(a) of the Commission's rules, 47 C.F.R. §§ 25.115 and 25.121(a), the Application for Authority to Add Palau, the Federated States of Micronesia, and Bhutan as Destination Points of Communications for Transmissions from Loral's Fixed Earth Station in Kapolei, Hawaii, File No. SES-MFS-20050224-00295, IS GRANTED.<sup>56</sup>

25. Accordingly, IT IS ALSO ORDERED that, pursuant to Sections 303(r), 308, 309, and 310 of the Communications Act of 1934, as amended, 47 C.F.R. §§ 303(r), 308, 309, 310, and Sections 25.115 and 25.121(a) of the Commission's rules, 47 C.F.R. §§ 25.115 and 25.121(a), the Application for Authority to Add Vietnam, Afghanistan, and French Polynesia as Destination Points of Communications for Transmissions from Loral's Fixed Earth Station in Kapolei, Hawaii, File No. SES-MFS-20060412-00619, IS GRANTED.<sup>57</sup>

26. Accordingly, the license for Earth Station Call Sign E980250 IS MODIFIED to permit Loral Skynet Network Services, Inc. to provide fixed-satellite services using the Telstar 18 satellite located at the 138° E.L. orbital location to Palau, the Federated States of Micronesia, Bhutan, Vietnam, Afghanistan, and French Polynesia via the Telstar 18 satellite, subject to the following conditions:

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<sup>56</sup> Consistent with Division practice, contemporaneously with the release of this Order, the Division's Systems Analysis Branch will issue an authorization on IBFS File No. SES-MFS-20060224-00295, incorporating this Order by reference and listing the standard conditions that will apply to operation of this facility.

<sup>57</sup> Consistent with Division practice, contemporaneously with the release of this Order, the Division's Systems Analysis Branch will issue an authorization on IBFS File No. SES-MFS-20060412-00619, incorporating this Order by reference and listing the standard conditions that will apply to operation of this facility.

- a. Loral is prohibited from sending or receiving any Direct-to-Home service, Direct Broadcast Satellite service, and Digital Audio Radio service to or from Telstar 18.
- b. Loral is only authorized to provide communication services to points in Tonga, Kazakhstan, Palau, the Federated States of Micronesia, Bhutan, Vietnam, Afghanistan, French Polynesia, and any WTO-Member countries within Telstar 18's footprint.
- c. Loral is prohibited from sending or receiving analog video services or any FM video television services to or from Telstar 18.
- d. With reference to Article 18 of the ITU Radio Regulations, the United States is not the "government of the country to which" the space station "is subject," and is not acting on behalf of any other government. Operations of Earth Station Call Sign E980250 are expressly conditioned upon Telstar 18 having been licensed, within the meaning of Article 18, by the Kingdom of Tonga.

27. Accordingly, Loral is afforded 30 days from the date of release of this grant and authorization to decline this authorization, as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization, as conditioned.

28. Finally, all other terms and conditions of the license for Earth Station Call Sign E980250 remain in effect.

29. 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 release.

FEDERAL COMMUNICATIONS COMMISSION

Robert G. Nelson  
Chief, Satellite Division  
International Bureau