



Federal Communications Commission  
Washington, D.C. 20554

DA 10-1259

July 2, 2010

Mr. Daniel C. H. Mah  
Vice President, Regulatory Affairs  
SES Americom, Inc.  
2001 L Street, N.W.  
Suite 800  
Washington, DC 20036

Re: SES Americom, Inc., IBFS File No. SAT-MOD-20100525-00110 (Call Sign: S2156)

Dear Mr. Mah:

This letter returns, as unacceptable for filing, the application of SES Americom, Inc. (SES Americom) that seeks to modify the authorization of the in-orbit, Ku-band AMC-5 space station (Call Sign S2156). In its modification application, SES Americom seeks to change the authorized location of AMC-5 from the 78.95° W.L. orbital location to the 79.05° W.L. orbital location and to operate, if necessary, at the new location using the 11.7-12.2 GHz (space-to-Earth) and 14.0-14.5GHz (Earth-to-space) frequency bands. We find that SES Americom did not disclose, as part of its application, the orbital debris mitigation plans for the AMC-5 space station, as required by Section 25.114 of the Commission's rules.<sup>1</sup>

Section 25.112(a) of the Commission's rules provides that the Commission will return an application as unacceptable for filing if the application is defective with respect to completeness of answers or informational showings, is internally inconsistent, or does not substantially comply with the Commission's rules unless a waiver of the rules is requested.<sup>2</sup>

The Commission's orbital debris mitigation disclosure rules became effective on October 19, 2005.<sup>3</sup> An orbital debris mitigation plan must include a narrative statement that addresses four elements of orbital debris mitigation: (1) spacecraft hardware design; (2) minimizing accidental

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<sup>1</sup> 47 C.F.R. § 25.114(d)(14).

<sup>2</sup> 47 C.F.R. § 25.112(a). In the *First Space Station Reform Order*, the Commission affirmed the policies embodied in this rule by continuing to require applications to be substantially complete when filed. See Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10852 (2003).

<sup>3</sup> See 70 Fed. Reg. 59,276 (October 12, 2005).

explosions; (3) safe flight profiles; and (4) post-mission disposal. The statement must identify particular methods by which a satellite system will mitigate orbital debris, rather than presenting a generalized commitment to address orbital debris mitigation at a future date or a catalogue of potential options. If an applicant's orbital debris mitigation plans change after authorization, the changes must be submitted to the Commission by means of a request to modify the authorization.<sup>4</sup> Applications filed after October 19, 2005, that required submission of Section 25.114 information must include an orbital mitigation disclosure as part of the application.<sup>5</sup>

In its modification request, SES Americom does not provide an orbital debris mitigation disclosure, but states that it "incorporates by reference the technical information previously provided in support of AMC-5."<sup>6</sup> Prior applications for authorization of AMC-5, did not disclose orbital debris mitigation plans as part of the applications.<sup>7</sup> As a result, the Commission lacks sufficient information on which to make a public interest determination regarding the orbital debris mitigation plans for the AMC-5 space station.<sup>8</sup>

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1) and Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, we return SES Americom's application as unacceptable for filing without prejudice to refiling.<sup>9</sup>

Sincerely,

Robert G. Nelson  
Chief, Satellite Division  
International Bureau

cc: Karis A. Hastings, Esq.  
Hogan Lovells US LLP  
555 Thirteenth Street, N.W.  
Washington, DC 20004

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<sup>4</sup> Federal Communications Commission International Bureau Satellite Division Information, *Public Notice*, Report No. SPB-112, DA 05-2698 (Oct. 13, 2005).

<sup>5</sup> *Id.*

<sup>6</sup> See *Application of SES Americom For Modification of AMC-5 Fixed-Satellite Space Station License* (May 25, 2010)(SAT-MOD-20100525-00110).

<sup>7</sup> See, e.g., SAT-MOD-19980113-00002 and SAT-MOD-20050609-00117.

<sup>8</sup> We note that all prior modification applications for the AMC-5 space station were granted prior to the October 19, 2005, effective date of the orbital debris mitigation disclosure requirement.

<sup>9</sup> If SES Americom refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1111(d).