

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

In the Matter of  <b>GE American Communications, Inc.</b>  Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service	File Nos. 169 through 173-SAT-P/LA-95 54-SAT-AMEND-97
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### ORDER AND AUTHORIZATION

Adopted: May 8, 1997

Released: May 9, 1997

By the Chief, International Bureau:

1. With this Order, we authorize GE American Communications, Inc. ("GE Americom") to launch and operate a geostationary satellite orbit ("GSO") system to provide fixed-satellite services ("FSS") in the Ka-band.<sup>1</sup> This will provide GE Americom the opportunity to provide a variety of advanced interactive broadband information services to users in the United States and the around the globe.

#### Background

2. GE Americom, a New York corporation, filed an application for its "GE\*Star" system in September 1995.<sup>2</sup> In the application, GE Americom proposes to construct, launch, and operate a constellation comprised of nine GSO FSS satellites located in five orbital locations around the world. It requests authority to co-locate two satellites at each of the following orbital locations: 106° West Longitude (W.L.); 82° W.L.; 16° East Longitude (E.L.); 108° E.L., as well as to locate one satellite at the 38° E.L. location.

<sup>1</sup> The term "Ka-band" generally refers to the space-to-earth (downlink) frequencies at 17.7-20.2 GHz and the corresponding earth-to-space (uplink) frequencies at 27.5-30.0 GHz, or the "28 GHz band." We authorize GE Americom to operate in a portion of these frequencies as indicated herein.

<sup>2</sup> See Public Notice, Report No. SPB-29, 10 FCC Rcd 13753 (1995). The application was filed by the cut-off date established for consideration in this first processing group of 28 GHz band applications. GE Americom filed a minor amendment to its application in March 1997 to modify its milestone schedule.

3. GE Americom proposes to offer broadband services such as: high-speed data, video, audio, videoconferencing, medical imagery, online services and access to global databases. GE Americom proposes to offer services on a non-common carrier basis.

4. GE Americom requests use of 1000 megahertz of spectrum in the 28.35-28.6 and 29.25-30.0 GHz bands for service uplink operations and 1000 megahertz of spectrum in the 18.55-18.80 and 19.45-20.2 GHz bands for its service downlink operations. GE Americom also proposes to operate its tracking, telemetry, and command ("TT&C") operations at 6.4235 GHz and 3.7005- 4.1995 GHz during transfer orbit operations.

5. Each satellite in the GE\*Star system will use 44 spot beams over its respective coverage areas. All satellites are proposed to be practically identical in design except for differences in their antenna coverage. Satellites will provide 11 times frequency reuse through the use of spatially diverse satellite beams. Satellites will operate using orthogonal polarizations. Each satellite will have a peak effective isotropically radiated power (eirp) of 54.0 dBW. The GE\*Star system will allow symmetric and asymmetric data communications transmission rates ranging from 384 Kbps to 40 Mbps.

6. Several other GSO FSS applicants filed petitions to deny and other pleadings in response to GE's applications. As further discussed below, the GSO FSS applicants later withdrew these pleadings. Motorola Satellite Communications, Inc. also filed a petition to deny all of the GSO FSS Ka-band applications, arguing that grant would conflict with its requested frequencies for feeder links for its "Big LEO" system. These concerns are resolved by the 28 GHz band plan.

#### *Relevant Domestic Decisions*

##### 1. DISCO I

7. In January 1996, the Commission, in the *DISCO I Report and Order*,<sup>3</sup> abolished all distinctions between U.S. domestic satellites and international separate system satellites. This allows all U.S.-licensed satellites to provide any mix of domestic or international satellite services they choose, subject only to the licensee obtaining all applicable international approvals and authorizations by other administrations to provide service to, from or within their respective territories. Therefore, all FSS licensees in the Ka-band are permitted to provide any combination of domestic and international services without obtaining separate approval from the Commission for specific service areas.

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<sup>3</sup> See In the Matter of Amendment of the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems, 11 FCC Rcd 2429 (1996) (*Disco I Report and Order*).

2. 28 GHz Band Segmentation Decision

8. In July 1996, the Commission adopted a band plan for U.S. commercial operations in the Ka-band. This band plan designates discrete band segments in the 17.7-20.2 GHz and 27.5-30.0 GHz frequency bands for the Local Multipoint Distribution Service (LMDS), the fixed service, the GSO FSS service, the non-geostationary satellite orbit (NGSO) FSS service, and feeder links for certain NGSO mobile satellite service (MSS) systems.<sup>4</sup> Of the total 2.5 GHz of spectrum available in each transmission direction, we concluded, based on the representations of the GSO FSS applicants, that 1 GHz of spectrum in both transmission directions was needed to support GSO FSS systems. The 28 GHz band plan designates the following frequencies for U.S. commercial GSO FSS systems. We also note any other services that are designated in the band plan to share the band with GSO FSS systems on an equal basis:<sup>5</sup>

**GSO FSS - Designated****Band Segments****Other Co-Primary Designations**

17.7-18.8 GHz (downlink) <sup>6</sup>	Fixed
19.7-20.2 GHz (downlink)	
28.35-28.6 GHz (uplink)	
29.25-29.5 GHz (uplink)	NGSO MSS feeder links
29.5-30.0 GHz (uplink)	

3. Orbital Assignments

9. In May 1996, the International Bureau, acting on delegated authority, assigned orbit locations to those 28 GHz GSO FSS applicants in the first round that proposed to

<sup>4</sup> See Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, *First Report and Order and Fourth Notice of Proposed Rulemaking*, 11 FCC Rcd 19005 (1996) (*28 GHz Band First Report and Order*). This decision is subject to petitions for reconsideration.

<sup>5</sup> The U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106, also contains allocations for other services in several of these bands. These are discussed in paras 16-21, below.

<sup>6</sup> The band plan designates a total of 1.6 GHz of downlink frequencies for GSO FSS systems given the expected coordination difficulties with other systems in the 17.7-18.8 GHz band. See para. 18, below.

provide international FSS from their GSO systems.<sup>7</sup> This assignment plan was the result of the GSO FSS applicants' successful efforts to resolve their conflicts over orbit locations for satellites in the 62° W.L. to 175.25° E.L. region of the orbital arc. In the Assignment Order, we indicated that the assignments were conditioned on the grant of the domestic assignments. Specifically, the May 1996 Ka-Band Assignment Order assigned locations to GE Americom at 17° W.L.; 56° E.L. and 114.5° E.L.

10. In February 1997, the first-round GSO FSS applicants, due to their continued efforts, reached an agreement regarding conflicts over locations in the remainder of the orbital arc. Specifically, this agreement covered locations between 67° W.L. to 148° E.L., which are best suited for providing service to the United States. As part of this agreement, the GSO FSS applicants also agreed to withdraw their petitions and other pleadings filed with respect to each others' 28 GHz band applications.<sup>8</sup> This agreement effectively eliminated all obstacles to quick grant of the GSO FSS applications. By a separate Order issued today, we adopt an Assignment Plan implementing the orbital assignment agreement. The Assignment Plan assigns additional locations to GE Americom at 105° W.L. and 85° W.L.

### Discussion

#### A. Qualifications

11. Before the Commission authorizes any space station applicant, we first need to determine whether an applicant is legally, technically, and financially qualified to hold a Commission license. The rules set forth in Part 25 of the Commission's rules governing the FSS apply, in general, to FSS systems in the Ka-band. We recognize we will need to modify these rules, to some extent, to incorporate operations at 28 GHz. Such modifications are the subject of an ongoing rulemaking. We expect to release a Report and Order in this proceeding shortly. Nevertheless, because GE Americom's system is not mutually exclusive with any other U.S. commercial satellite application on file, and can be evaluated under current Part 25 rules, we do not view the rulemaking as a bar to considering GE Americom's license now. Rather, we will condition any grant to GE Americom on it complying with all rules adopted in the 28 GHz Band Satellite Report and Order.

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<sup>7</sup> See In the Matter of Assignment of Orbital Locations to Space Stations in the Ka-Band, 11 FCC Rcd 13737 (1996).

<sup>8</sup> See Letter from GSO Ka-band applicants to Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, International Bureau (February 10, 1997).

*Financial Qualifications*

12. Although financial qualification requirements for GSO FSS systems will be discussed in greater detail in the forthcoming 28 GHz Band Satellite Report and Order, the Commission has in the past, based financial requirements for satellite services on the basis of entry opportunities in the particular service being licensed. In cases where we can accommodate all pending applications and where there is sufficient remaining capacity to address additional requests that may arise, we have not looked to current financial ability as a prerequisite to a license grant.<sup>9</sup> This is because the grant of an authorization to one applicant will not prevent another qualified applicant from going forward with a proposal in the same service.<sup>10</sup> We ensure that licensees timely build their systems by requiring them to meet specified implementation milestones. In contrast, where applications for satellites exceed the number of satellites we can accommodate, we have adopted a standard that requires applicants to demonstrate evidence of internal assets or committed financing sufficient to cover construction, launch, and first year operating costs.<sup>11</sup> This is based on our experience that under-financed licensees have significant difficulty in raising the requisite financing.

13. Because all of the first-round 28 GHz GSO applicants agreed to orbit locations, and because other orbit locations remain available for additional GSO FSS satellites, authorization of all proposed systems does not preclude use of this band by other applicants for GSO FSS systems. Consequently, it is not necessary to rule on any of the first-round 28 GHz applicants' financial qualifications. We previously granted a similar waiver to Norris Satellite, Inc., which was awarded a license to provide satellite services in the 28 GHz band in 1992.<sup>12</sup> We intend to rigorously enforce the system milestone schedule to ensure that GE Americom proceeds in a timely manner and does not tie up valuable orbital locations and spectrum to the exclusion of other qualified applicants.

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<sup>9</sup> See Amendment of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, a Radiodetermination Satellite Service, 104 FCC 2d 650 (1986). Because all pending RDSS applicants could be accommodated and future entry was possible, the Commission required applicants to provide only a detailed business plan.

<sup>10</sup> See generally *In the Matter of 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 Band* at ¶ 26, 9 FCC Rcd 5936 (1994) ("*Big LEO Report and Order*").

<sup>11</sup> See 47 C.F.R. § 25.140(b)-(e).

<sup>12</sup> See *Norris Satellite Communications, Inc.*, 7 FCC Rcd 4289, 4290 (1992). Norris's authorization was subsequently declared null and void for failing to begin timely system construction. See *In the Matter of Norris Satellite Communications, Inc. For Authority to Construct, Launch, and Operate a Ka-band Satellite System*, 11 FCC Rcd 5402 (1996). This decision is subject to an Application for Review.

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*Technical Qualifications*

14. Applicants for space station authorizations also must meet certain technical qualification requirements. In its application, GE Americom represents that it intends to operate under the existing technical rules for the FSS in Part 25 of the Commission's rules. After examining its application, it appears GE Americom can do so. As noted, however, we will need to modify these rules somewhat, to incorporate operations in the 28 GHz band. For example, we envision that we will need to modify the definition of full frequency reuse for systems employing circular polarization. Rather than delaying action on GE Americom's application until these modifications are adopted, we condition GE Americom's authorization on it complying with the forthcoming rules concerning technical qualifications for GSO FSS systems in the 28 GHz band.

B. Spectrum Issues

15. In the following text we discuss specific issues related to the frequencies GE Americom proposes for its service uplinks, service downlinks, and TT&C during transfer orbit operations.

*Service Uplinks*

16. As noted, the 28 GHz band plan designates 1000 MHz of spectrum in the 28.35-28.6 and the 29.25-30.0 GHz band for uplink GSO FSS operations. Two-hundred fifty megahertz of this spectrum at 29.25-29.5 GHz is to be shared on a co-primary basis with NGSO MSS feeder links. In its application, GE Americom proposes to use spectrum at 28.35-28.6 and 29.25-30.0 GHz for its service uplinks.

17. GE Americom's request is consistent with the band plan and we therefore grant GE Americom authority to operate in those bands in the United States.<sup>13</sup> Operations in the shared 250 megahertz are, of course, subject to the sharing rules adopted in the *28 GHz Band First Report and Order*.<sup>14</sup>

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<sup>13</sup> The Commission recently waived the construction permit requirement for space stations. This decision, effective April 21, 1997, means that applicants no longer need Commission authorization in order to build their proposed satellites. Any construction prior to obtaining an operating license is, however, solely at the applicant's own risk and will not predispose the Commission to grant it launch and operating authority. See Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures, *Report and Order*, FCC 96-425 (released December 16, 1996), 62 FR 5924 (February 10, 1997).

<sup>14</sup> *28 GHz Band First Report and Order* at ¶¶ 72-74.

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*Service Downlink Bands*

18. The 28 GHz band plan designates the 17.7-18.8 GHz and 19.7-20.2 GHz bands for GSO FSS operations, with the entire 17.7-18.8 GHz band to be shared on a co-primary basis with the fixed service. In adopting the band plan, we noted that GSO FSS operations in the 17.7-18.8 GHz band will be restricted by: the need to protect the broadcast satellite service in the 17.7-17.8 GHz band segment (after April 2007), power flux density limits to protect the earth exploration-satellite service in the 18.6-18.8 GHz band, and the need to coordinate with fixed services throughout the band. We concluded that the GSO FSS systems should be able to coordinate sufficient spectrum with other users within this 1.1 GHz band, to give them, together with the 500 MHz designated at 19.7-20.2 GHz, access to sufficient downlink spectrum to correspond with the 1000 MHz of uplink spectrum designated for GSO FSS in the 27.5-30.0 GHz range.<sup>15</sup>

19. In its application, which it filed before the final band plan was adopted, GE Americom proposes to use 1000 MHz of spectrum at 18.55-18.8 and 19.45-20.2 GHz for its service downlinks. GE Americom also requests authority to alter its proposed frequencies to conform with any allocation decisions and service rules that may be adopted for Ka-band satellite systems.

20. In the interest of expediting the licensing process, we grant here that portion of GE Americom's downlink request that is consistent with the 28 GHz band plan and where specific operating frequencies can be authorized. Specifically, we authorize GE Americom to operate a system with service downlinks in the 19.7-20.2 GHz band. We will not give GE Americom operating authority in its other requested downlink bands at this time. First, its request to use 19.45-19.7 GHz is inconsistent with the Band Plan and will be denied. Second, although its request to use 18.55-18.8 GHz is compatible with the plan, it is premature to grant operating authority in any portion of the GSO FSS-designated 17.7-18.8 GHz band. As noted, the 1.1 GHz of spectrum at 17.7-18.8 GHz is to be shared on a co-primary basis with other services, constraining GSO FSS operations in this band and requiring coordination with other users. Nevertheless, we anticipate that GSO FSS licensees will be able to identify and coordinate 500 MHz in this band to give these systems a total of up to 1000 MHz in each transmission direction. GE Americom has asked for 1000 MHz of downlink spectrum. We have already authorized it operating authority for 500 MHz at 19.7-20.2. Once GE Americom has determined exactly which 500 MHz it wishes to use in the 17.7-18.8 GHz band, it should file a modification application to operate in these frequencies. In the interim, GE Americom is of course free to begin construction in these bands at its own risk.

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<sup>15</sup> *Id.* at ¶ 78.

21. In addition, GE Americom must coordinate with the U.S. Government systems operating in the 17.7-18.8 and 19.7-20.2 GHz bands in accordance with footnote US 334 to the Table of Frequency Allocations.<sup>16</sup> This footnote requires coordination of commercial systems with U.S. Government systems in the 17.8-20.2 GHz band.

*Tracking, Telemetry, and Command (TT&C)*

22. GE Americom proposes to conduct its TT&C operations during transfer orbit in the C-band. Specifically, during launch and early operations, and during emergencies, GE Americom proposes to transmit command signals at 6.4235 GHz, with its final frequency subject to coordination. During launch and early operations, and during emergencies, the telemetry transmitters are proposed to operate at 3.7005 and 4.1995 GHz, with its final frequency subject to coordination. Once successfully at the assigned orbit location, GE Americom proposes to conduct TT&C operations solely in the Ka-band.

23. Under the U.S. Table of Frequency Allocations, TT&C operations may be provided in frequency bands allocated to the Space Operations Service or within the bands in which the particular satellite system will be providing service.<sup>17</sup> GE Americom proposes to conduct transfer orbit TT&C functions for its 28 GHz system in the C-band, which is neither allocated to the Space Operations Service nor is the system's service band. Consequently, the proposed TT&C operations would constitute a non-conforming use of the Table of Frequency Allocations. The Commission has, however, permitted non-conforming uses in situations where the non-conforming use would not interfere with any conforming service and grant would otherwise serve the public interest.<sup>18</sup> Here, GE Americom would make only temporary use of the C-band, and would do so because there is no Ka-band global network yet in place by which it can monitor a satellite's launch and early operations. Nevertheless, GE Americom has not provided a technical showing that it can conduct C-band TT&C operations on a non-interference basis. Thus, we will not grant GE Americom's request. If GE Americom wishes to pursue C-band transfer orbit operations, it must file a modification application in which to do so, accompanied by either (1) an exhibit demonstrating GE Americom's operations will not interfere with other conforming operations in the band; or (2) a showing that it has successfully coordinated its proposed operations with all affected operators in the band.

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<sup>16</sup> See 47 C.F.R. § 2.106 US334.

<sup>17</sup> 47 C.F.R. § 2.106.

<sup>18</sup> See, e.g., Qualcomm, Inc. Application for Blanket Authority to Construct and Operate a Network of 12/14 GHz Transmit/ Receive Mobile and Transportable Earth Stations and a Hub Earth Station, *Memorandum Opinion Order and Authorization*, 4 FCC Rcd 1543 (1989).



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C. Regulatory Treatment

24. In our *DISCO I Report and Order*, we determined that all FSS operators in the C-band and Ku-band could elect to operate on a common carrier or non-common carrier basis.<sup>19</sup> As we will discuss in more detail in the 28 GHz Band Satellite Report and Order, we see no reason to treat Ka-band FSS licensees any differently.

25. The Commission traditionally has evaluated requests to operate on a non-common carrier basis using the analysis set forth in *National Association of Regulatory Utility Commissioners v. FCC*,<sup>20</sup> (*NARUC I*). Under *NARUC I*, we may regulate an entity as a private carrier unless: (1) there is or should be any legal compulsion to serve the public indifferently; or (2) there are reasons implicit in the nature of the service to expect that the entity will in fact hold itself out indifferently to the eligible user public.<sup>21</sup>

26. We have already authorized one 28 GHz FSS operator in the United States.<sup>22</sup> Today we are authorizing thirteen more. Dozens of FSS satellites are now operating in the C- and Ku-band. In addition, the recent World Trade Organization agreement will open the U.S. market to foreign licensed satellites. Thus, with respect to the first prong of *NARUC I*, sufficient competitive capacity is and will continue to be available to assure the U.S. public access to FSS. With regard to the second prong of *NARUC I*, GE Americom specifically states that it intends to tailor its offerings to individual customers rather than holding itself out to serve the public indifferently. We will therefore allow GE Americom to operate as a non-common carrier.

D. Milestone Schedules

27. As in all other satellite services, and as discussed in more detail in the forthcoming 28 GHz Band Satellite Report & Order, all licensees will be required to adhere to a strict timetable for system implementation. This ensures that licensees are building their systems in a timely manner and that the orbit-spectrum resource is not being held by licensees unable or unwilling to proceed with their plans. The implementation schedules for 28 GHz systems will generally track the schedules imposed in other satellite services. For GSO

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<sup>19</sup> See *DISCO I Report and Order*, 11 FCC Rcd 2429, 2436 (1996).

<sup>20</sup> *National Ass'n of Regulatory Utility Commissioners v. FCC*, 525 F.2d 630 (D.C. Cir.), cert. denied, 425 U.S. 992 (1976); 47 U.S.C. § 153(44).

<sup>21</sup> *NARUC I*, 525 F.2d at 642.

<sup>22</sup> See Teledesic Corporation Application for Authority to Construct, Launch, and Operate a Low Earth Orbit Satellite System in the Domestic and International Fixed Satellite Service, *Order and Authorization*, 12 FCC Rcd 3154 (1997).

satellites, this means that construction must be commenced within one to two years of grant and the satellite must be launched and operational within five years of license grant. Nevertheless, we recognize, that several 28 GHz systems are designed with multiple satellites at each of several orbit locations and that construction of these large numbers of satellites may take additional time. We must balance this, however, against our goal of preventing warehousing. Consequently, we will require each GSO FSS licensee to begin construction of its first satellite within one year of grant, to begin construction of the remainder within two years of grant, to launch at least one satellite into each of its assigned orbit locations within five years of grant, and to launch the remainder of its satellites by the date required by the International Telecommunication Union to assure international recognition and protection of these satellites.<sup>23</sup> The milestones specified in paragraph 32 of this *Order and Authorization* are consistent with this framework.

E. International Coordination

28. In general, we will follow the applicable advance-publication, coordination, and notification procedures as set forth in the ITU Radio Regulations in coordinating GE Americom's satellites with other affected administrations. We will discuss in more detail international coordination procedures among U.S.-licensed FSS Ka-band systems, both GSO and NGSO, in the 28 GHz Band Satellite Report and Order.

F. Exclusive Arrangements

29. To facilitate global competition, we are planning to adopt limitations on 28 GHz FSS licensees' ability to enter into exclusive arrangements with other countries.<sup>24</sup> These restrictions will be discussed in more detail in the 28 GHz Band Satellite Report and Order. We intend to construe these arrangements bearing in mind that spectrum coordination and availability in particular countries may limit the ability of 28 GHz licensees to provide service to those countries. Accordingly, GE Americom must comply with any such restrictions adopted.

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<sup>23</sup> ITU Regulations require that all satellites must be brought into use no later than six years from the date on which the Appendix 4 information for that satellite was filed. However, a request for a three-year extension of time may be granted. The Appendix 4 information for 28 GHz GSO systems was filed in November 1995. Therefore, all satellites authorized today must be launched by November 2004.

<sup>24</sup> Such limitations were adopted in the Big LEO service. 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 Band, *Memorandum Opinion and Order*, 11 FCC Rcd 12861 (1996) at ¶¶ 54-55; 47 C.F.R. § 25.143(h) (prohibiting Big LEO satellite systems from entering into exclusive arrangements to serve particular countries).

### Conclusion

30. Accordingly, upon review of GE American Communications, Inc.'s application to implement a 28 GHz GSO satellite system to provide domestic and international FSS, we find that GE American Communications, Inc. is qualified to be a Commission licensee and that, pursuant to Section 309 of the Communications Act of 1934, as amended, 47 U.S.C. § 309, that grant of this application will serve the public interest, convenience, and necessity. As specified in the *Assignment of Orbital Locations to Space Stations in the Ka-Band*, we have assigned GE American Communications, Inc. to the 17° W.L., 56° E.L., 114.5° W.L., 105° W.L., and 85° W.L orbital locations.

### Ordering Clauses

31. IT IS ORDERED that Application File Nos. 169 through 173-SAT-P/LA-95, and 54-SAT-AMEND-97 ARE GRANTED, and GE American Communications, Inc. IS AUTHORIZED to launch and operate nine GSO FSS satellites, to provide fixed-satellite service in the United States in the frequency bands 19.7-20.2, 28.35-28.6 and 29.25-30.0 GHz in accordance with the *Assignment of Orbital Locations to Space Stations in the Ka-Band*, DA 97-967 (adopted May 8, 1997), consistent with the Commission's Part 25 rules governing satellite operations, unless specifically waived herein, and any modifications to our rules that we adopt for 28 GHz GSO FSS systems in the forthcoming 28 GHz Band Satellite Report and Order.

32. IT IS FURTHER ORDERED that unless extended by the Commission for good cause shown, this authorization shall become NULL AND VOID in the event each space station is not constructed, launched, and successfully placed into operation in accordance with the technical parameters and terms and conditions of the authorizations by the following dates:

	<u>Construction Commenced</u>	<u>Construction Completed</u>	<u>Launch</u>
First satellite	May 1998	April 2002	May 2002
First satellite at remaining orbit locations	May 1999	April 2002	May 2002
Co-located satellites	May 1999	October 2004	November 2004

33. IT IS FURTHER ORDERED that GE American Communications, Inc. must comply with all rules to be adopted for GSO FSS systems in the 28 GHz Band Satellite Report and Order and must file a letter with the Commission, within 60 days of the effective date of that Report and Order, representing that it will construct its system in compliance with any rules adopted in that Report and Order. Failure to submit such a letter within this time frame is grounds for rendering this authorization null and void.

34. IT IS FURTHER ORDERED that GE American Communications, Inc. must coordinate all of its Ka-band downlink operations with the U.S. Government systems in accordance with footnote US334 to the Table of Frequency Allocations, 47 C.F.R. § 2.106.

35. IT IS FURTHER ORDERED that the license term for each space station is ten years and will begin to run on the date GE American Communications, Inc. certifies to the Commission that the satellite has been successfully placed into orbit and the operations fully conform to the terms and conditions of this authorization.

36. IT IS FURTHER ORDERED that this authorization is subject to the completion of consultations under Article XIV of the INTELSAT Agreement. Upon completion of these consultations, and notification by the Department of State that the United States has fulfilled its international obligations with respect to INTELSAT, no further action by this Commission will be required.

37. IT IS FURTHER ORDERED that GE American Communications, Inc. will prepare any necessary submissions to the International Telecommunication Union (ITU) and to affected administrations for the completion of the appropriate coordination and notification obligations for these space stations 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).

38. IT IS FURTHER ORDERED that the temporary assignment of any orbital location to GE American Communications, 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. Neither this authorization nor any right granted by this authorization, shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, or by transfer of control of any corporation holding this authorization, to any person except upon application to the Commission and upon a finding by the Commission that the public interest, convenience and necessity will be served thereby.

39. IT IS FURTHER ORDERED that GE American Communications, Inc. is afforded thirty days from the date of the release of this order and authorization to decline this authorization as conditioned. Failure to respond within that period will constitute formal acceptance of the authorization as conditioned.

40. 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 public notice of this order (see 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Peter F. Cowhey  
Chief, International Bureau