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Federal Communications Commission
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Washington, D. C. 20554

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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COMMISSION GRANTS NEW SKIES SATELLITES N.V. FULL-TERM ACCESS TO THE U.S. MARKET

Washington, D.C. – The Commission has granted the request of New Skies Satellites N.V. to provide satellite services to, from, and within the United States on a full-term basis. In taking this action, the Commission found that New Skies has satisfied the requirements of the Open-Market Reorganization for the Betterment of International Telecommunications Act (the ORBIT Act).

New Skies is the Netherlands-based INTELSAT spin-off created in 1998 as INTELSAT's first step toward privatization. In 1999, the Commission granted U.S. earth station operators limited three-year authorizations to operate with New Skies in the U.S. market pending New Skies' taking certain actions to become independent of INTELSAT. The subsequently enacted ORBIT Act established legislative criteria for Commission review of applications to serve the U.S. market by INTELSAT spin-offs such as New Skies. In finding that New Skies has satisfied ORBIT Act criteria – including conducting an IPO that substantially diluted ownership by Signatories of INTELSAT, having a board of directors and management independent of INTELSAT and its Signatories, and maintaining an arms-length relationship with INTELSAT – the Commission extended the authorizations of U.S. earth stations operating with New Skies satellites.

On a related issue, the Commission granted New Skies' request for an extended waiver of the Commission's two-degree spacing policy, subject to conditions. In 1999, the Commission required New Skies to operate on a non-harmful interference basis relative to U.S. services provided by two-degree compliant satellites if New Skies does not reach coordination agreements with the operators of compliant satellites. In today's action, the Commission waived the non-harmful interference condition provided New Skies commits that (1) two-degree-compliant U.S. services over current and future U.S.-licensed or non-U.S.-licensed satellites serving the U.S. market spaced two degrees or more from the New Skies satellites are assumed to be fully coordinated, and (2) non-compliant U.S. services over current or future U.S.-licensed or non-U.S. licensed satellites serving the U.S. market spaced two degrees or more from the New Skies satellites will be coordinated on an equal basis irrespective of the relative dates of receipt of the coordination at the ITU.

In a separate action, the International Bureau's Satellite and Radiocommunication Division granted New Skies' request to add its currently operating satellites to the Permitted Space Station List, subject to the same conditions described above. The Satellite and Radiocommunication Division also will modify the licenses of earth stations authorized to communicate with New Skies satellites as a result of the Commission's actions today.

Action by the Commission March 27, 2001, by Memorandum Opinion and Order (FCC 01-107). Chairman Powell, Commissioners Ness, Furchtgott-Roth and Tristani.

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