GRANTED
International Bureau

File # SAT-PPL-20040805-00157
With attached conditions
Call Sign S2639 Grant Date 9/28/2004
(or other identifier)
Term Dates
From See conditions To See conditions
Approved: Chief Satellite
Robert Nelson Engineering Branch

Approved by OMB
3060-0678

Date & Time Filed: Aug 5 2004 11:18:57:060AM
File Number: SAT-PPL-20040805-00157
Callsign/Satellite ID: S2639

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	FCC Use Only

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Superbird-C Petition for Declaratory Ruling

1-8. Legal Name of Applicant

Name:	Space Communications Corporation	Phone Number:	81354621373
DBA Name:		Fax Number:	81354621391
Street:	2-8, Higashi-shinagawa 2-chome Shinagawa-ku, Tokyo	E-Mail:	
City:		State:	
Country:	Japan	Zipcode:	-
Attention:	Mr. Koichiro Matsufuji		

Attachment
Terms and Conditions of Authorization
9/29/2004

1. Pursuant to Sections 303(r), 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 303(r), 308, 309, 310, and Sections 0.261 and 25.137(c) of the Commission's rules, 47 C.F.R. §§ 0.261, 25.137(c), the Petition for Declaratory Ruling filed by Space Communication Corporation (File No. SAT-PPL-20040805-00157) to Add the Superbird-C satellite (S2639) at 143.95° W.L. to the Permitted Space Station List is GRANTED. Accordingly each U.S.-licensed earth station with "ALSAT" designated as a point of communication, IS GRANTED authority to provide Fixed Satellite Services (FSS) in the 11.902-11.938 GHz (space-to-Earth), 11.9895-12.0165 GHz (space-to-Earth), 12.0495-12.0765 GHz (space-to-Earth), 12.1095-12.1365 GHz (space-to-Earth), and 14.0-14.5 GHz (Earth-to-space) frequency bands, to, from, or within the United States, by accessing the Superbird-C satellite at the 143.95° W.L. orbit location, in accordance with the terms, conditions, and technical specifications set forth in its application, this Attachment, and the Commission's Rules.

a) Superbird-C is not authorized to provide any Direct-to-Home (DTH) service, Direct Broadcast Satellite (DBS) service, or Digital Audio Radio Service (DARS) to, from, or within the United States;

b) Communications between ALSAT-designated routine earth stations and the Superbird-C satellite shall be in compliance with the satellite coordination agreements reached between Japan and other administrations; and

c) Superbird-C is not authorized to provide downlink services into the United States and its Possessions in the 12.2-12.75 GHz frequency band.

2. We GRANT Space Communications Corporation's request for waiver of the full-frequency reuse requirements contained in Section 25.210(f) of the Commission's rules to permit Superbird-C to transmit to Hawaii without employing full frequency reuse in the downlink band from 11.92 – 12.123 GHz. In its application, Space Communications Corporation states that the Superbird-C Ku-band satellite's Hawaii beam consists of four channels that are horizontally polarized and separated in frequency. Space Communications Corporation further states that due to the design of the satellite, it is not possible to use all of the vertical and horizontal channels on the Hawaii Beam and, at the same time, provide sufficient capacity and power for the Japan and Asia beams. Although Superbird-C does not fully conform to the standard set forth in Section 25.210(f) of the Commission's Rules, we agree with Space Communications Corporation's assertions that failure to meet the full-frequency reuse requirements will not waste the unused spectrum because there are no adjacent satellites that could use this spectrum. Grant of the waiver will serve the public interest by increasing competition in the Hawaii market and providing backup for critical services. Furthermore, the Commission has waived this requirement where doing so would allow satellite capacity that would otherwise lay dormant to be used to provide service.[1]

3. This action is taken 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 Sections 1.106 or applications for review under Section 1.115 of the Commission's rules, 47

[1] *See, e.g.*, Binariang Satellite Systems SDN BHD, Petition for Declaratory Ruling, *Order,* 18 F.C.C. Rcd 16623, 16628, (para. 14) (Int'l Bur., Sat. Div. 2003).

C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

9–16. Name of Contact Representative (If other than applicant)

Name:	Laura B. Sherman	Phone Number:	703–216–3150
Company:		Fax Number:	703–276–8849
Street:	3335 N. Randolph St.	E–Mail:	laurabsherman@yahoo.com
City:	Arlington	State:	VA
Country:	USA	Zipcode:	22207 –
Contact Title:		Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the buttonnext to the classification that applies to thisfiling for both questions a. and b. Choose only one for 17a and only one for 17b.

a.

(N/A) a1. Earth Station

◉ a2. Space Station

b.

○ b1. Application for License of New Station

(N/A) b2. Application for Registration of New Domestic Receive–Only Station

(N/A) b3. Amendment to a Pending Application

(N/A) b4. Modification of License or Registration

(N/A) b5. Assignment of License or Registration

(N/A) b6. Transfer of Control of License or Registration

(N/A) b7. Notification of Minor Modification

(N/A) b8. Application for License of New Receive–Only Station Using Non–U.S. Licensed Satellite

○ b9. Letter of Intent to Use Non–U.S. Licensed Satellite to Provide Service in the United States

○ b10. Replacement Satellite Application – no new frequency bands

○ b11. Replacement Satellite Application – new frequency bands (Not eligible for streamlined processing)

◉ b12. Petition for Declaratory Ruling to be Added to the Permitted List

(N/A) b13. Other (Please specify)

17c. Is a fee submitted with this application?

○ If Yes, complete and attach FCC Form 159.

If No, indicate reason for fee exemption (see 47 C.F.R.Section 1.1114).

○ Governmental Entity ○ Noncommercial educational licensee

◉ Other(please explain): No fee required for petition for declaratory ruling

17c. Fee Classification BNY – Space Station (Geostationary)	Number of Satellite: 0

18. If this filing is in reference to an existing station, enter:

(a) Call sign of station:
Not Applicable

19. If this filing is an amendment to a pending application enter:

(a) Date pending application was filed:

Not Applicable

(b) File number of pending application:

Not Applicable

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- [x] a. Fixed Satellite
- [ ] b. Mobile Satellite
- [ ] c. Radiodetermination Satellite
- [ ] d. Earth Exploration Satellite
- [ ] e. Direct to Home Fixed Satellite
- [ ] f. Digital Audio Radio Service
- [ ] g. Other (please specify)

21. STATUS: Choose thebutton next to the applicable status. Choose only one.	22. If earth station applicant, check all that apply.
○ Common Carrier ◉ Non−Common Carrier	Not Applicable

23. If applicant is providng INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one.Are these facilities:

○ Connected to a Public Switched Network ○ Not connected to a Public Switched Network ◉ N/A

24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).

- [ ] a. C−Band (4/6 GHz)
- [x] b. Ku−Band (12/14 GHz)
- [ ] c.Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: Frequency Upper: (Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

(N/A) a. Fixed Earth Station
(N/A) b. Temporary−Fixed Earth Station
(N/A) c. 12/14 GHz VSAT Network
(N/A) d. Mobile Earth Station
○ e. Geostationary Space Station.
○ f. Non−Geostationary Space Station
◉ g. Other (please specify)
Petition for Declaratory Ruling − 1 GSO

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. ○ Yes ◉ No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30−34.

29. Is the applicant a foreign government or the representative of any foreign government?	○ Yes ◉ No ○ N/A
30. Is the applicant an alien or the representative of an alien?	○ Yes ◉ No ○ N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	◉ Yes ○ No ○ N/A
32. Is the applicant a corporation of which more than one–fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	◉ Yes ○ No ○ N/A
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one–fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	◉ Yes ○ No ○ N/A
34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.	Exhibit A

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.	◉ Yes ○ No Exhibit B
36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explination of circumstances.	○ Yes ◉ No
37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explination of circumstances.	○ Yes ◉ No
38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attemptiing unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances	○ Yes ◉ No
39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhinit, an explanation of the circumstances.	○ Yes ◉ No Technical Appendix

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.	Exhibit C
41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti−Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.	◉ Yes ○ No
42a. Does the applicant intend to use a non−U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.	◉ Yes ○ No
42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station? Japan	

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

Space Communications Corporation requests that Superbird-C, a Ku-band satellite, located at 144 E., be added to the Permitted Space Station List, as further explained in the attached Petition for a Declaratory Ruling and Technical Appendix.

Petition

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- ○ Individual
- ○ Unincorporated Association
- ○ Partnership
- ◉ Corporation
- ○ Governmental Entity
- ○ Other (please specify)

45. Name of Person Signing	46. Title of Person Signing
Masuyuki Annen	President

47. Please supply any need attachments.		
1:	2:	3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

Completed Schedule S

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