

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

In the Matter of)	
)	
Requests For)	
Special Temporary)	File Nos. See Appendix A
Authority)	
)	
To Operate on INTELSAT)	
Satellites Transferring to)	
New Skies, N.V.)	
)	
)	

ORDER

Adopted: November 30, 1998

Released: November 30, 1998

By the Chief, International Bureau:

I. Background

1. By this Order, the Bureau grants requests for Special Temporary Authority (STA) filed by various earth station operators. The International Bureau finds that it is in the public interest to grant the STA requests because earth station licensees will be able to continue operations, using the New Skies satellites, pending final Bureau action on the underlying applications.

2. On March 31, 1998, the INTELSAT Assembly of Parties (Assembly) formed a new, private satellite company, New Skies Satellites, N.V. (New Skies) which has been incorporated in the Netherlands.¹ Specifically, the Assembly decided to transfer the following INTELSAT satellites to New Skies: INTELSAT 513 at 183° E.L.; INTELSAT 703 at 57° E.L.; INTELSAT 803 at 338.5° E.L.; INTELSAT 806 at 319.5° E.L.; and

¹ INTELSAT Assembly of Parties, *Record of Decisions of the Twenty-Second (Extraordinary) Meeting*, (Ap-22-3E Provisional) Salvador, Brazil, March 31, 1998.

II. Discussion

5. In the *DISCO II Order*, the Commission stated that it would presume that allowing affiliates of intergovernmental organizations (IGOs), such as INTELSAT and Inmarsat, licensed by WTO members, to serve the U.S. market would further competition in the United States.⁷ The Commission also reserved the right, however, to attach conditions to the grant of authority or, in the exceptional case in which an application would pose a very high risk to competition in the U.S. satellite market that could not be remedied by conditions, to deny the application.⁸ The Commission stated that when determining whether an application to serve the U.S. market by an IGO affiliate raises the potential for competitive harm, it would consider any potential anticompetitive or market distorting consequences of continued relationships or connections between an IGO and its affiliate.⁹

6. In order to evaluate the modification applications, in accordance with the framework adopted in the *DISCO II Order*, we need a complete record that includes final copies of all support service agreements negotiated between INTELSAT and New Skies as well as other relevant documentation. We understand that INTELSAT and New Skies are still negotiating the final terms of many such documents which at this time are not yet complete. We will not be able to evaluate the modification applications until we have received these documents and had an opportunity to analyze them.

7. Nevertheless, we conclude that the public interest will be best served by allowing the continuation of existing services using the New Skies satellites, pending action on the modification applications. Thus, to ensure that existing earth station licensees are able to continue operating, under our Title III authority, we grant temporary operational authority to the earth station licensees that have filed STA requests to provide international FSS services on the transferring satellites. This authorization permits earth station licensees listed in Appendix A to provide international FSS service using the specified INTELSAT satellite that, as of today, became a New Skies satellite. The STA authorizations will be in effect for six months from the date of this Order or until the Bureau takes final action on the pending earth station modification applications, whichever date is sooner. The STA authorizations do not permit the earth station licensees that filed the STA requests to provide any Direct-to-Home (DTH) services, Direct Broadcast Satellite (DBS) services, or Digital Audio Radio

⁷ *DISCO II Order*, 12 FCC Rcd at 24154-55.

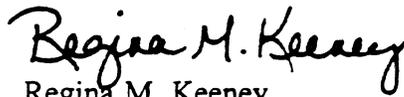
⁸ *Id.*

⁹ *Id.*

to immediately resolve any interference conflicts which it may cause, including cessation of all operations, upon notification from the Engineer-in-Charge.

12. This authorization is issued pursuant to Section 0.261 of the Commission's rules and is effective upon adoption. Petitions for Reconsideration, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, may be filed within 30 days of the public notice of this Order.

FEDERAL COMMUNICATIONS COMMISSION


Regina M. Keeney
Chief, International Bureau

Appendix A - New Skies

NAME	FILE NUMBER	CALL SIGN	DATE FILED
COMSAT CORPORATION	SES-STA-19980814-01584	KA259	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01585	E920519	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01586	KA262	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01587	KA264	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01588	KA263	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01589	KA261	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01590	WA22	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01592	E970090	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01594	KA267	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01595	E970091	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01596	KA269	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01597	KA270	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01598	KA258	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01599	KA268	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01600	KA266	8/14/98
COMSAT CORPORATION	SES-STA-19980814-01601	KA265	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01574	E970327	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01576	E970332	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01577	E970325	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01578	E970330	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01579	E970329	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01580	E970331	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01581	KA345	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01582	E970326	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01583	E970319	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01570	KA275	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01591	KA364	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01572	KA260	8/14/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980819-01703	E980485	8/13/98
COMSAT CORPORATION/COMSAT WORLD SYSTEMS	SES-STA-19980814-01593	KA398	8/14/98
COMSAT GENERAL CORPORATION	SES-STA-19980814-01567	WA27	8/14/98
COMSAT GOVERNMENT SYSTEMS, INC.	SES-STA-19980814-01571	E960186	8/14/98
COMSAT GOVERNMENT SYSTEMS, INC.	SES-STA-19980814-01573	E960187	8/14/98
GLOBECAST NORTH AMERICA INCORPORATED	SES-STA-19980825-01640	E930273	8/25/98

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