

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

SIMMONS SATELLITE, File No. I-T-C-88-206  
LTD. (d/b/a Bonneville  
Satellite Communications)

For Blanket Authority to Make Available  
Channels of Communication Between the  
U.S. and Various Transborder Locations  
via Domestic Satellite Systems Consulted  
Pursuant to Article XIV(d) of the  
INTELSAT Agreement and the Morelos System

SIMMONS SATELLITE, File Nos. CSG-89-004-ML  
LTD. (d/b/a Bonneville CSG-89-005-ML  
Satellite Communications) CSG-89-006-ML

Applications to modify existing licenses  
for domestic earth stations located at  
Alexandria, Virginia (E6087), Hollywood  
California (E859951) and San Diego,  
California (E3321) to communicate with  
all U.S. domestic satellites and the  
Mexican Morelos satellite to provide  
transborder service

REUTERS INFORMATION File No. CSG-88-102-ML  
SERVICES, INC.

Application for modification of its  
domestic VSAT network to establish  
channels of communications to Canada  
via the GSTAR II satellite

IDB COMMUNICATIONS File No. CSG-88-067-ML  
GROUP, INC.

Application to use its domestic transmit/  
receive earth station at Staten Island,  
New York to communicate with the  
Canadian ANIK satellites and all U.S.  
domestic satellites to provide transborder  
service between the U.S. and Canada

OVERSEAS  
TELECOMMUNICATIONS,  
INC.

File No. CSG-89-007-ML

Application for authority to use two  
domestic transmit/receive earth stations  
at Redlands, California to communicate  
with all Ku-band U.S. domestic satellites  
and the ANIK and Morelos satellites to  
provide transborder service

**ORDER AND AUTHORIZATION**

**Adopted: December 30, 1988; Released: January 25, 1989**

By the Chief, International Facilities Division:

1. The captioned applications request authority under Title III and Section 214 of the Communications Act of 1934, as amended, to modify existing domestic earth station facilities and to make available channels of communication to provide transborder service to various locations. The applications were placed on the Commission's public notice. Satellite Transmission and Reception Services (STARS) filed comments in response to the application of Reuters Information Services, Inc.

2. *Simmons Satellite, Ltd. d/b/a Bonneville Satellite Communications* (Simmons) - File Nos. I-T-C-88-206; CSG-89-004-ML; CSG-89-005-ML; and CSG-89-006-ML. In application file No. I-T-C-88-206 Simmons requests authority to make available channels of communication between the U.S. and various transborder locations via domestic satellite systems consulted pursuant to Article XIV(d) of the INTELSAT Agreement, including the Mexican Morelos satellites. However, Simmons immediate concern is to use its uplink facilities in San Diego, California and Alexandria, Virginia, as well as other uplink facilities it leases, to provide service to Mexico via the Spacenet 1 satellite pursuant to a private contractual agreement.

3. In applications File Nos. CSG-89-004-ML, CSG-89-005-ML and CSG-89-006-ML Simmons requests authority to modify its existing domestic earth station licenses for its Alexandria, Virginia, (call sign E6087) Hollywood, California (call sign E859951) and San Diego, California (call sign E3321) facilities to add all U.S. domestic satellites and the Mexican Morelos satellites as points of communication in order to provide transborder service to various transborder locations.

4. *IDB Communications Group, Inc.* (IDB) - File No. CSG-88-067-ML. IDB is a common carrier providing both domestic and international service and is the licensee of several domestic and international earth station facilities. In the instant application, IDB requests authority to use its Staten Island, New York transmit/receive earth station to communicate with the Canadian ANIK satellites, as well as all U.S. domestic satellites, to provide transborder service between the U.S. and Canada.<sup>1</sup> IDB has previously been authorized to provide transborder service between the U.S. and Canada using several of its licensed domestic earth stations.

5. *Reuters Information Services, Inc.* (Reuters) - File No. CSG-88-102-ML. Reuters is a news service organization which currently operates private earth station facilities for

domestic and transborder distribution of its services. Reuters has filed an application to construct a private satellite earth station (VSAT) network to operate in the 12/14 GHz band. The network will use the GTE Spacenet domestic satellite system to provide high speed voice data and video services. As part of its application to establish its private network, Reuters requests authority to establish channels of communication to Canada via the GSTAR II satellite.

6. *Overseas Telecommunications, Inc. (OTI)* - File No. CSG-89-007-ML. OTI is an international common carrier authorized to provide digital private line voice, data and video services and international television service to international points served by INTELSAT. OTI has also been authorized to provide two-way audio, video and business transborder services between the U.S. on the one hand, and Canada and Mexico on the other hand, via U.S. domestic satellites and the ANIK and Morelos satellites consulted under Article XIV(d) of the INTELSAT Agreement.<sup>2</sup> In the instant application, OTI requests authority to use two domestic transmit/receive earth stations (4.6 and 2.4 meters) to be constructed at Redlands, California to communicate with all domestic Ku-band satellites in the arc from 145 to 180 degrees W.L., as well as the Canadian ANIK and Mexican Morelos satellites consulted under Article XIV(d) of the INTELSAT Agreement to provide transborder service.

7. STARS filed comments in response to the Reuters application. STARS states that any grant of the Reuters application should be conditioned to preclude the operation of the earth stations with the INTELSAT system. STARS argues that the Commission does not have the authority to grant applications to non-carriers, including Reuters, to own and operate INTELSAT earth stations. STARS has advanced the same argument in a brief filed with the U.S. Court of Appeals for the District of Columbia Circuit in Case Nos. 88-1357 and 88-1358.

8. Upon review of the subject applications, we find that their grant is consistent with the Commission's Transborder policy, which permits the use of domestic satellites to provide certain international public telecommunications services. These applications are similar to those applications previously authorized by the Commission.<sup>3</sup> We incorporate our findings in those previous transborder decisions and note here that all of the applicants have previously been authorized to provide transborder service similar to that requested herein. Thus, it appears that, for the most part, the applicants are adding additional earth stations to provide transborder services previously authorized. In view of these circumstances, we find that the public interest will be served by a grant of the subject applications. We must note however, that although some of the applications request authority to use all U.S. domestic satellites to provide transborder service, not all U.S. domestic satellites have been consulted under Article XIV(d) of the INTELSAT Agreement. Thus, the grant of final authority for both the satellites and services requested in the subject applications is conditioned on compliance with Attachments 1 and 2.

9. Finally, our authorization of Reuters to use its private network to provide transborder services does not involve use of the INTELSAT system. Since the court case cited by STARS involves the issue of whether the Commission can license non-common carrier transmit/receive earth stations to operate with the INTELSAT system, it does not affect the instant Reuters' application.

10. Accordingly, IT IS ORDERED that the applications of Simmons Satellite, Ltd. (File Nos. I-T-C-88-206; CSG-89-004-ML, CSG-89-005-ML and CSG-89-006-ML); Reuters Information Services, Inc. (File No. CSG-88-102-ML); IDB Communications Group, Inc. (File No. CSG-88-067-ML) and Overseas Telecommunications, Inc. (File No. CSG-89-007-ML) ARE GRANTED and the applicants are authorized to provide the transborder services requested in their applications and consistent with Attachments 1 and 2.

11. IT IS FURTHER ORDERED that IDB's temporary authority to use its Staten Island, New York earth station for transborder service is hereby cancelled and superseded. However, the continuing effectiveness of this authorization is contingent on IDB's underlying authority to operate this station for domestic purposes.

12. This authorization constitutes the final step for the provision of transborder services through domestic satellites only insofar as the U.S. regulatory process is concerned. It does not, however, dispense with any requirements that may be imposed by the other countries involved.

13. This order shall not be construed as authorizing the distribution of programming where the appropriate copy-right clearances have not been obtained.

14. This order is issued under Section 0.291 of the Commission's Rules on Delegations of Authority and is subject to review under Section 1.115 of the Commission's rules on practice and procedure. Review by the full Commission may be requested within 30 days of the date of public notice of this order (*see* Commission Rule 1.4(b)(2)) by writing Secretary, Federal Communications Commission, Washington, D.C. 20554, stating the factors warranting consideration and, if mailed, should be sent by certified mail in time to be received by the due date.

#### FEDERAL COMMUNICATIONS COMMISSION

George S. Li  
Chief, International Facilities Division  
Common Carrier Bureau

#### FOOTNOTES

<sup>1</sup> This earth station is currently operating pursuant to a grant of temporary authority for both domestic and transborder service.

<sup>2</sup> The domestic portion of this application was granted on December 9, 1988.

<sup>3</sup> *See* Transborder Satellite Video Services, 88 FCC 2d 258 (1981). For a more complete list of the Commission's transborder decisions, *see* note 5 in *Overseas Telecommunications, Inc. et al.*, 2 FCC Rcd 5438 (1987).

ATTACHMENT 1U.S. Satellites Consulted Pursuant to Article XIV(d)Satellites

- \*FEDEX A
- \*FEDEX B
- GALAXY I
- \*GALAXY II
- GALAXY III
- \*GALAXY IV
- \*GALAXY B
- GSTAR I
- GSTAR II
- \*GSTAR III
- \*COMSTAR III
- COMSTAR D-4
- \*COMSAT GEN B
- SPACENET I
- \*SPACENET II
- SPACENET III
- SATCOM IR
- \*SATCOM IIR
- SATCOM IIIR
- SATCOM IV
- SATCOM V
- SATCOM K-1
- \*SATCOM K-2
- SBS V
- SBS I
- SBS II
- SBS III
- \*\*SBS IV
- TELSTAR 3A
- TELSTAR 302
- \*TELSTAR 303
- CONTEL ASC-I
- CONTEL ASC-II
- WESTAR IV
- WESTAR V
- \*WESTAR B
- \*WESTAR (79' W)

\* Consulted for Latin America/Caribbean services only. Includes receive-only video programming from the U.S. to Mexico.

\*\* Consulted for Canada and Latin America/Caribbean services only.

## ATTACHMENT 2

SUMMARY OF INTELSAT CONSULTATION

<u>Country</u>	<u>Service[s]</u>	<u>Satellite[s]</u>
Anguilla	T.V. and audio receive-only	all Comstar, Satcom, Westar and Galaxy satellites listed in Attachment 1
Antigua and Barbuda	T.V., audio and data receive-only	all satellites listed in Attachment 1
Bahamas	T.V., audio and data receive-only	all satellites listed in Attachment 1
Barbados	T.V. receive-only	all Galaxy, Satcom and Westar satel- lites listed in Attachment 1
Belize	T.V., audio and data receive-only	all satellites listed in Attachment 1
Bermuda	T.V. and audio receive-only	all Comstar, Satcom, Westar and Galaxy satellites listed in Attachment 1
British Virgin Islands	T.V. and audio receive-only	all Comstar, Satcom, Westar and Galaxy satellites listed in Attachment 1
Canada	occasional pt.-to-pt. and full time video services and business services (including data and electronic document distribution, video teleconferencing and voice communications)	all satellites listed in Attachment 1 plus ANIK B, C1, C2, C3, D1 and D2
Cayman Islands	T.V. and audio receive-only	all Comstar, Satcom, Westar and Galaxy satellites listed in Attachment 1

Colombia	T.V. receive-only	Galaxy I and III, Satcom IR, III-R, IV and V, Westar IV, Westar V and Westar (269E)
Costa Rica	T.V. receive-only	all satellites listed in Attachment 1
Dominica	T.V., audio and data receive-only	all satellites listed in Attachment 1
Dominican Republic	T.V., audio and data receive-only	all satellites listed in Attachment 1
El Salvador	T.V. receive-only	all satellites listed in Attachment 1
Grenada	T.V., audio and data receive-only	all satellites listed in Attachment 1
Guatemala	T.V. and audio receive-only	all satellites listed in Attachment 1
Haiti	T.V., audio and data receive-only	all satellites listed in Attachment 1
Honduras	T.V. receive-only	all satellites listed in Attachment 1
Jamaica	T.V., audio and data receive-only (See note 3)	all satellites listed in Attachment 1
Mexico	Full-time and occasional T.V. services, receive-only audio and business services (including data and electronic document distribution, video teleconferencing and voice communications)	all satellites listed in Attachment 1 plus the Morelos I and II satellites
Monsterrat	T.V., and audio receive-only	all Comstar, Satcom, Westar and Galaxy satellites listed in Attachment 1
Netherlands Antilles	T.V. receive-only	Galaxy I, Satcom III-R and IV,

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Panama	T.V., audio and data receive-only	Westar IV and V and Comstar D4 all satellites listed in Attachment 1
St. Christopher-Nevis	T.V., audio and data receive-only	all satellites listed in Attachment 1
St. Lucia	T.V., audio and data receive-only	all satellites listed in Attachment 1
St. Vincent and the Grenadines	T.V., audio and data receive-only	all satellites listed in Attachment 1
Trinidad and Tobago	T.V. receive-only	all Galaxy, Satcom, Westar and Comstar satellites listed in Attachment 1
Turks & Caicos	T.V. and audio receive-only	all Comstar, Satcom, Westar and Galaxy satellites listed in Attachment 1
Venezuela	T.V. receive-only	all satellites listed in Attachment 1

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Notes

- 1) With the exception of Mexico and Canada, which were consulted separately, all services (i.e. T.V., audio and data receive-only) can be provided to any point over any of the satellites listed in Attachment 1 even through only certain services and satellites were initially requested. This can be accomplished through notifying INTELSAT with no additional consultation required.
- 2) Attachment 1 contains only those satellites that have been technically consulted with INTELSAT.
- 3) All services authorized to Latin American/Caribbean locations are receive-only (i.e. can be received as a by-product of or incidental to U.S. domestic transmissions).