

October 28, 2005

Office of Telecommunications Authority (OFTA)
29/F, Wu Chung House
213 Queen's Rd East
Wan Chai
Hong Kong

Attn.: Telecommunications Engineer (R21)3

Dear Sir or Madam:

We would like to submit here comments on the document issued by OFTA on 31 August 2005 regarding the re-allocation of the 3.4-3.6 GHz band to Broadband Wireless Access (BWA) (“Further Consultation”)¹. Among other things, the Further Consultation proposes to allocate the band 3.4-3.6 GHz for BWA use on a primary basis, while reducing the status of the FSS allocation in this band from primary to secondary. The document also proposes a specific band plan for BWA services that uses 180 MHz of the 200 MHz in the frequency range under consideration.

PanAmSat understands the increasing need for opening additional bandwidth for the newly emerging wireless applications that would provide better service for all consumers, as well as provide an alternative to existing technologies. However, PanAmSat firmly believes that allocating bandwidth to such services should not be done at the expense of existing infrastructure.

PanAmSat is particularly concerned with the matter under consideration because its PAS-7 satellite, launched in 1998, operates in the 3.4-3.7 GHz band from the 68.5°E orbital location with global coverage, including Hong Kong. We currently have customers located in Hong Kong using PAS-7 for their communication needs and this satellite is expected to continue to operate for several years.

Typically, when drastic frequency allocation changes are made, as is the case here, existing users are grandfathered and offered the same level of protection that they enjoyed before the introduction of the changes. The changes to the frequency allocations as proposed in the Further Consultation do not allow for the “grandfathering” of existing earth stations using the 3.4-3.6 GHz band. Therefore, the users of these earth stations will be potentially subject to interference that could not be foreseen when the service was deployed. Under such circumstances, it will become impossible to control the Quality of

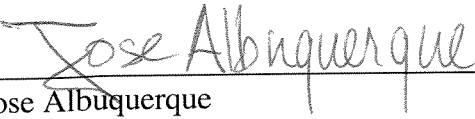
¹ “Licensing Framework for Deployment of Broadband Wireless Access: Analysis of Comments Received, Preliminary Conclusions and Further Consultation”, OFTA, 31 August 2005.

Service (QoS) of the links terminating at these earth stations. Without a satisfactory QoS, these customers may be forced to abandon the band and in doing so, lose the capital investment that was made in setting up these services. From the satellite operator standpoint, PanAmSat will have to contend with not being able to provide services to Hong Kong in two-thirds of the PAS-7 C-band payload².

In order to mitigate the difficulties described above, we kindly request that OFTA consider the following adjustments to its proposals.

1. The new rules, when adopted, should “grandfather” existing earth stations using the 3.4-3.6 GHz band by offering them protection from possible interference by BWA operators. This could be achieved by, wherever practicable, identifying the location of such earth stations and requiring BWA licensees to coordinate with the operators of these earth stations prior to deploying BWA devices in the vicinity of such earth stations, i.e. within a properly defined coordination contour.
2. The allocation of the 3.4-3.6 GHz band to BWA should be conducted in two phases. Given the uncertainties of the demand for BWA licenses and in order to minimize the adverse impact on FSS, OFTA should at first open to BWA a smaller band (e.g. 3.4-3.5 GHz) with the remaining portion of the 3.4-3.6 GHz band (e.g. 3.5-3.6 GHz) being open to BWA at a later date. The timing of the latter event should depend on the effective interest for licenses when the first portion of the band is made available to BWA.

Respectfully submitted,



Jose Albuquerque
Senior Director, Regulatory Engineering
PanAmSat
1801 K St., NW, Suite 440
Washington, DC 2006
United States
Tel: 1 202 2924309
Fax: 1 202 2924368
E-Mail: jalbuquerque@panamsat.com

² Note in this respect that the alternative offered in paragraph 19 of the Further Consultation, i.e. that FSS could use the band 3.6-4.2 GHz, would be of little help in the specific case of the PAS-7 satellite.