

LAW OFFICES  
**GOLDBERG, GODLES, WIENER & WRIGHT LLP**  
1025 CONNECTICUT AVENUE, N.W., SUITE 1000  
WASHINGTON, D.C. 20036-2413

HENRY GOLDBERG  
JOSEPH A. GODLES  
JONATHAN L. WIENER

HENRIETTA WRIGHT  
THOMAS G. GHERARDI, P.C.  
COUNSEL

THOMAS S. TYCZ\*  
SENIOR POLICY ADVISOR

\*NOT AN ATTORNEY

(202) 429-4900  
TELECOPIER:  
(202) 429-4912  
e-mail:  
general@g2w2.com  
website: www.g2w2.com

December 17, 2018

**FILED ELECTRONICALLY VIA IBFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: Telesat Canada  
FCC File No. SAT-PDR-20170301-00023 (S2991)  
Submission of Performance Bond

Dear Ms. Dortch:

Telesat Canada (Telesat), by its counsel and in accordance with 47 CFR §25.165, hereby submits the attached bond pursuant to paragraph 25 of the Order and Declaratory Ruling granting to Telesat U.S. market access for a non-geostationary satellite orbit, fixed-satellite service constellation operating in the V-band.<sup>1</sup>

Please direct any questions concerning this filing to the undersigned.

Respectfully submitted,



Joseph A. Godles  
*Counsel to Telesat Canada*

Attachment (Bond No. BDTO-100113-018)

---

<sup>1</sup> *In the Matter of Telesat Canada Petition for Declaratory Ruling to Grant Access to the U.S. Market for Telesat's V-Band NGSO Constellation, IBFS File No. SAT-PDR-20170301-00023 Call Sign S2991, Order and Declaratory Ruling, FCC 18-163 (rel. Nov. 19, 2018).*



This bond is executed in Duplicate

**Bond No. BDTO-100113-018**

### **License and/or Permit Continuous Bond**

KNOW ALL MEN BY THESE PRESENTS, that we **Telesat Canada**, as Principal, and **Liberty Mutual Insurance Company**, as Surety, are held and firmly bound unto the United States Treasury, as Obligee, in the maximum penal sum of One Million & Six Hundred and Seventy Thousand 00/100 Dollars (\$ 1,670,000.00) U.S. Dollars, which said maximum penal sum may be increased pursuant to the terms and conditions set forth below, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly, by these presents.

WHEREAS, the above bounden Principal has obtained authorization from the Federal Communications Commission ("FCC") for authority to access the United States market using a V-band non-geostationary fixed satellite system pursuant to its application, **FCC IBFS File No. SAT-PDR-20170301-00023; Call Sign S2991 ("Authorization")**, in accordance with the terms and conditions set forth in the Conditions to the FCC's grant of that Authorization on **11/19/2018**, including the filing of this bond with the FCC pursuant to the Authorization; and

WHEREAS, the Principal is required by law to file with the FCC a bond conditioned as hereinafter set forth;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well and truly perform each and every obligation set forth below at the time and in the manner specified during the term of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED HOWEVER, that this bond is subject to the following conditions:

1. Telesat must launch 50 percent of the maximum number of proposed space stations, place them in the assigned orbits, and operate them in accordance with the Authorization no later than **November 19, 2024** (the "Milestone").
2. Upon completion of the Milestone specified in paragraph 1 above, confirmation of which will be filed with the FCC by the Principal, and the issuance of a Public Notice by the FCC confirming the FCC's determination of the satisfaction of said Milestone, then this bond shall be cancelled.
3. The maximum penal sum of the bond may be increased on an annual basis with the Surety's consent, via a rider to this bond sent to the FCC and the Obligee. Such riders will increase the maximum penal sum to the required amount in accordance with the following formula, with all sums expressed in U.S. Dollars:  $A = \$1,000,000.00 + \$4,000,000.00 * D / 2,192$ , where A is the penal sum to be paid and D is the lesser of 2,192 or the number of days that have elapsed from the date of the Authorization grant until the date when the Authorization was surrendered.
4. In the event of a Notice of Default (*i.e.*, an order or public notice revoking the Principal's Authorization for any reason, including but not limited to, the Principal surrendering the Authorization before timely meeting the Milestone, failure to timely meet the Milestone, or the Authorization becoming null and void due to failure to maintain a surety bond in an adequate amount) issued by the FCC to the Principal and the Surety regarding the performance of the Milestone specified above during the term of this bond, the Surety shall be liable only up to the then current outstanding maximum penal sum amount after any applicable increase(s) to the maximum

penal sum subject to the terms and conditions set forth above. It is also understood and unconditionally agreed that upon receipt of such Notice of Default, the sole remedy under this bond will be the tender of payment of the then current outstanding maximum penal sum of the bond within thirty (30) business days of such Notice of Default.

Any such Notice of Default made under this Bond shall be made in writing and shall be given by a notice in writing via overnight courier:

To the Surety: **Liberty International Underwriters**  
Attention: Surety Department  
181 Bay Street Suite 900  
Toronto, Ontario M5J 2T3  
[John.stewart@libertymutual.com](mailto:John.stewart@libertymutual.com)

To the Principal: **Telesat Canada**  
160 Elgin Street  
Suite 2100  
Ottawa, Ontario, Canada K2P 2P7  
Email: [cdifrancesco@telesat.com](mailto:cdifrancesco@telesat.com)

With a Copy to: Joseph A. Godles  
Goldberg, Godles, Wiener & Wright LLP  
1025 Connecticut Ave., N.W., Suite 1000  
Washington, D.C. 20036  
(202) 429-4900  
Email: [JGodles@g2w2.com](mailto:JGodles@g2w2.com)

5. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein or the heirs, executors, administrators or successors of the Obligee.
6. If any conflict or inconsistency exists between the Surety's obligation or undertakings as described in this bond and as described in other documents, statutes or regulations, then the terms of this bond shall prevail.

PROVIDED FURTHER, that regardless of the number of years this bond shall continue or be continued in force and of the number of premiums that shall be payable or paid the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the then current outstanding maximum penal sum pursuant to the terms and conditions set forth above.

PROVIDED FURTHER, that this bond shall be effective on the **18<sup>th</sup> day of December, 2018** and shall cease at such time as the FCC confirms that the Principal has satisfied all conditions of the Authorization set forth in paragraph I above, unless earlier cancelled as provided herein.

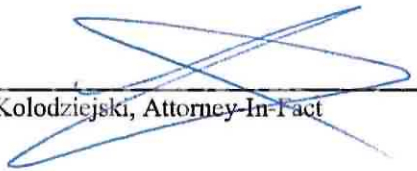
Signed, sealed and dated the 11<sup>th</sup> day of December, 2018

**Telesat Canada**



**Christopher DiFrancesco**

**Liberty Mutual Insurance Company**



**Stan Kolodziejki, Attorney-In-Fact**