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Federal Communications Commission  
Office of Secretary

Before the  
**Federal Communication Commission**  
Washington, DC 20554

In the Matter of	)	File Nos. SAT-AMD-20060505-00054
	)	SAT-MOD-20050926-00182
New ICO Satellite Services G.P.	)	
Amendment to Application to Modify	)	
2 GHz MSS License	)	

**PETITION TO DENY OF INTELSAT NORTH AMERICA LLC**

Intelsat North America LLC ("Intelsat"), by its attorneys and pursuant to Section 25.154(a) of the Commission's rules, petitions to deny the above-captioned amendment ("Amendment") of New ICO Satellite Services G.P. ("ICO").<sup>1</sup> In its Amendment, ICO seeks to operate an MSS satellite at 92.85° W.L. and requests deferral of its request made in the underlying modification application ("Modification") to conduct launch and early orbit phase ("LEOP") and emergency telemetry, tracking and command ("TT&C") operations in the conventional C-band. As the Commission is aware, Intelsat opposed ICO's earlier request to operate its satellite at 93° W.L. because ICO's emergency TT&C operations in the conventional C-band will cause harmful interference into Intelsat's IA-6 satellite, which currently operates at 93° W.L. in the conventional C- and Ku-bands.<sup>2</sup> ICO's amended request to operate instead at 92.85° W.L. -- which was made without any co-location discussions with Intelsat -- does nothing to eliminate the risk of harmful

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<sup>1</sup> See *Policy Branch Information Satellite Space Applications Accepted for Filing*, File No. SAT-AMD-20060505-00054, Public Notice, Rept. No. SAT-00362 (May 19, 2006).

<sup>2</sup> Letter to Marlene H. Dortch, Secretary, FCC from J. Hindin, Wiley Rein & Fielding LLP, Counsel to Intelsat North America LLC, File No. SAT-MOD-20050926-00182 (Mar. 27, 2006).

interference into IA-6's operations. As such, Intelsat respectfully requests that the Commission deny ICO's Amendment and underlying Modification.

As Intelsat noted in its earlier opposition, the C-band frequencies that ICO seeks are not available for assignment to ICO under the Commission's first-come, first-served procedures.<sup>3</sup> Rather than repeat that argument in its entirety, Intelsat incorporates it herein by reference.

Intelsat further argued in its earlier opposition that even assuming the frequencies were available under the Commission's first-come, first-served procedures, they could not be assigned to ICO under Commission precedent.<sup>4</sup> That precedent holds that waivers of Section 25.202(g), which requires TT&C operations to be conducted at the edge of the allocated service band, are not warranted unless the applicant has coordinated use of the non-service band frequencies with affected parties.<sup>5</sup> In apparent response, ICO asks the Commission to defer action on its Section 25.202(g) waiver request "pending completion of frequency coordination with other satellite operators."<sup>6</sup>

ICO's request to defer action assumes that "frequency coordination with other satellite operators" is simply a work in progress that will be completed at a later date, at which point ICO's waiver request could be granted. ICO's deferral request, however,

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<sup>3</sup> *Id.* at 1-2.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> *WB Holdings I LLC; Applications to Modify the KaStar System Authorization to Include C-Band Tracking, Telemetry, and Control*, Memorandum Opinion and Order, 17 FCC Rcd 8217 (2002).

<sup>6</sup> *Amendment of New ICO Satellite Services G.P. to Application to Modify License*, File No. SAT-AMD-20060505-00054, at 3 (filed May 5, 2006) ("ICO Amendment").

misses the point of Intelsat's opposition. As Intelsat has explained in a face-to-face meeting with ICO engineers and in a meeting with FCC staff,<sup>7</sup> ICO's use of C-band frequencies will *not* be coordinated with Intelsat, because they *cannot* be coordinated. Put simply, co-frequency (or nearly co-frequency), co-pol coordination under co-coverage conditions of any two co-located satellites is not possible. Moreover, as explained to ICO and to FCC staff in the above-referenced meetings, given the high power used for telecommand transmissions, harmful interference into Intelsat's co-located satellite may occur even if ICO's emergency telecommand transmissions take place in the bands immediately adjacent to the conventional C-band.

In its Amendment, ICO notes that the change in location for ICO's satellite from 93° W.L. to 92.85° W.L. will "simplify[] stationkeeping operations, and minimiz[e] the likelihood of in-orbit collision with other satellites."<sup>8</sup> This statement ignores the larger, more fundamental, issue at hand -- that ICO's satellite cannot operate at either 93° W.L. or 92.85° W.L. in conventional C-band frequencies or in frequencies immediately adjacent to the conventional C-band without causing harmful interference into the telecommand and service operations of the IA-6 satellite.<sup>9</sup>

ICO's attempt to simply sweep this threshold interference issue under the rug by asking the Commission to defer action on the waiver request should not be allowed. This

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<sup>7</sup> Letter to Marlene H. Dortch, Secretary, FCC, from Susan H. Crandall, Asst. General Counsel, Intelsat Global Service Corp., File No. SAT-MOD-20050926-00182, at 1 (Apr. 20, 2006).

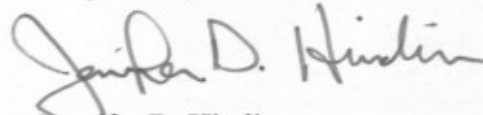
<sup>8</sup> ICO Amendment at 1.

<sup>9</sup> In addition to power level, the polarization of ICO's telecommand carrier will influence the required frequency separation of that carrier from the IA-6 telecommand carrier and the edge of the IA-6 communications band.

is particularly true where, as here, a satellite is in the process of being built. Should the Commission defer action on the waiver request, as ICO requests, ICO might proceed to build the satellite with only conventional C-band frequencies for LEOP and emergency TT&C, which frequencies it cannot use at either the 93° W.L. or 92.85° W.L. orbital location without causing harmful interference into IA-6. The public interest would not be served by construction of a satellite that does not comply with the FCC's rules and thus cannot operate in its requested orbital location without causing harmful interference to an existing satellite.<sup>10</sup>

For these reasons, the Commission should deny ICO's request to defer action on its request for a waiver of Section 25.202(g) of the Commission's rules and should deny the waiver request, consistent with precedent. No reasonable amount of time is going to resolve the harmful interference that will be caused by ICO's satellite in conventional C-band at either the 93° W.L. or 92.85° W.L. orbital location.<sup>11</sup>

Respectfully submitted,



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May 22, 2006

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<sup>10</sup> ICO's proposed operations in the conventional C-band also would cause harmful interference into the currently available potential replacement satellites for IA-6.

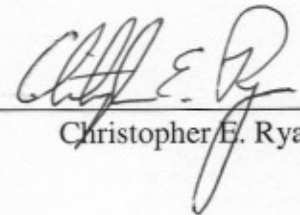
<sup>11</sup> As the Commission is aware, Intelsat has identified to ICO potential center frequencies for ICO's telecommand carriers in the extended C-band, which, depending on the sense of polarization used, might ensure technical compatibility with collocated Intelsat satellites.

**CERTIFICATE OF SERVICE**

I, Christopher E. Ryan, do hereby certify that on May 22, 2006 I served a copy of the foregoing **PETITION TO DENY OF INTELSAT NORTH AMERICA LLC** by U.S. first class mail, postage pre-paid upon the following:

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Christopher E. Ryan