

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat North America LLC

Amendment to Pending Application for
Authority to Launch and Operate a Ka-
Band Satellite at 89.1° W.L.

File No. SAT-AMD-_____

SAT-LOA-20090227-00029

Call Sign S2787

AMENDMENT TO PENDING APPLICATION
FOR AUTHORITY TO LAUNCH AND OPERATE A KA-BAND
SATELLITE AT 89.1° W.L.

Intelsat North America LLC (“Intelsat North America”), pursuant to Section 25.116 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ hereby amends the above-captioned application seeking authority to launch and operate a Ka-band satellite—Galaxy KA (call sign S2787)—at the 89.1° W.L. orbital location. Specifically, this amendment removes the request for authority to operate the Galaxy KA satellite in the frequencies from 18.3-18.8 GHz (downlink) and 28.35-28.6 GHz and 29.25-29.5 GHz (uplink). Additionally, Intelsat North America no longer seeks authority for a beam that would have provided service to South America.

In accordance with the requirements of the Commission’s rules,² this amendment has been filed electronically as an attachment to FCC Form 312. Intelsat North America provides the technical information relating to the amendment on Schedule S and in narrative form pursuant to Section 25.114 of the Commission’s rules. All other information in the pending

¹ 47 C.F.R. § 25.116.

² 47 C.F.R. § 25.116(e).

application to launch and operate Galaxy KA remains unchanged and is incorporated by reference.³

I. BACKGROUND

Intelsat North America currently operates Galaxy 28 (call sign S2160)—a hybrid C-, Ku- and Ka-band satellite—at 89.0° W.L. Galaxy 28 is licensed to use only the “upper” portion of the Ka-band FSS allocation (*i.e.*, 19.7-20.2 GHz (downlink) and 29.5-30.0 GHz (uplink)) and the Ka-band beam is focused primarily on North America.⁴ On February 27, 2009, Intelsat North America filed an application to launch and operate a new satellite, known as Galaxy KA (call sign S2787) at 89.1° W.L. using a full 1000 MHz of Ka-band spectrum (*i.e.*, 18.3-18.8 GHz and 19.7-20.2 GHz (downlink) and 28.35-28.6 GHz and 29.25-30.0 GHz (uplink)). Intelsat North America also sought authority for a beam that would expand the Ka-band footprint of Galaxy KA to South America.

By this amendment, Intelsat removes its request for authority to operate in the 18.3-18.8 GHz (downlink) and 28.35-28.6 GHz and 29.25-29.5 GHz (uplink) frequency bands.

Intelsat North America also removes the beam that would have provided service to South America. As a result, Intelsat North America now seeks authority to launch and operate Galaxy KA using only the same frequencies (*i.e.*, 19.7-20.2 GHz (downlink) and 29.5-30.0 GHz (uplink)) and in the same geographic coverage area as its in-orbit Galaxy 28 satellite.

³ *Intelsat North America LLC, Application for Authority to Launch and Operate a Ka-Band Satellite at 89.1° W.L. in the 18.3-18.8 and 19.7-20.2 GHz (downlink) and 28.35-28.6 and 29.5-30 GHz (uplink) Bands*, File No. SAT-LOA-20090227-00029 (filed Feb. 27, 2009). Intelsat notes that the original FCC Form 312 selected “C” in response to Question 43a. The correct response to Question 43a is “A” and this response has been corrected in the FCC Form 312 for this amendment.

⁴ *See Loral SpaceCom Corp. and Loral Space and Commc’ns Corp.*, Memorandum Opinion, Order and Authorization, 18 FCC Rcd 6301, 6313 (2003) (*Loral SpaceCom Modification Order*).

II. GRANT OF THIS APPLICATION, AS AMENDED, WILL SERVE THE PUBLIC INTEREST

Grant of Intelsat North America's amended request for authority to launch and operate the Galaxy KA satellite will serve the public interest. In particular, grant will facilitate the continued availability of Ka-band service to U.S. customers. Moreover, grant poses no risk of increased interference because the Galaxy KA satellite will employ the same frequencies and geographic footprint already authorized on the Galaxy 28 satellite currently operating at the 89° W.L. orbital location. Galaxy KA will also operate consistent with international coordination agreements already in place at this orbital location.

III. REQUEST FOR GRANT WITHOUT MILESTONES OR A BOND

Intelsat North America requests grant of its amended application to launch and operate the Galaxy KA satellite without milestones or a bond. As amended, the Galaxy KA satellite will replace the Ka-band portion of the Galaxy 28 satellite at the nominal 89.0° W.L. location. The Galaxy KA satellite will operate at the same nominal orbital location, using the same Ka-band frequencies, and with the same coverage area as Intelsat North America's existing Galaxy 28 satellite. Accordingly, the Galaxy KA satellite should be considered a replacement satellite pursuant to Section 25.165(e) of the FCC's rules.⁵ Intelsat North America therefore meets all of the requirements necessary for grant of this application without milestones or a bond.

IV. REQUEST FOR TREATMENT AS A MINOR AMENDMENT

Intelsat North America requests that the Commission treat this amendment as a "minor amendment" and thus process it without additional public notice or change to its position with

⁵ 47 C.F.R. § 25.165(e); *see also* Intelsat 14 Grant, SAT-RPL-20090123-00007 (grant stamp dated Oct. 1, 2009) (noting that the Intelsat 14 replacement satellite omits certain frequencies authorized on the satellite it is replacing).

respect to the satellite processing queue. The Commission has stated that “a ‘major amendment’ is one that increases the potential for interference to other applicants or licensees.”⁶ Pursuant to Section 25.116 of the Commission’s rules, major amendments are subject to the public notice requirements⁷ and are considered newly filed applications for purposes of the satellite processing “queue.”⁸

Treatment of Intelsat North America’s application as a minor amendment would be consistent with the Commission’s rules. This amendment does not request the use of any additional frequencies or orbital locations. Rather, it narrows the scope of Intelsat North America’s unopposed application for authority to launch and operate Galaxy KA. Thus, there is no increase in the potential for interference to other applicants or licensees. Moreover, this amendment conforms the frequencies and geographic service area of the proposed Galaxy KA satellite to the already-licensed Galaxy 28 satellite. As such, it is a replacement satellite that can be considered outside the Commission’s satellite processing “queue.”⁹

⁶ *Amendment of the Comm’ns Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 02-34, 18 FCC Rcd 10,760, 10,813 (¶ 136) (“*First Space Station Licensing Reform Order*”).

⁷ 47 C.F.R. § 25.151.

⁸ 47 C.F.R. § 25.158.

⁹ *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10854-857 (¶¶ 250-254); *See also The Establishment of Policies and Service Rules for the Broad.-Satellite Serv. at the 17.3-17.7 GHz Frequency Band*, 22 FCC Rcd 8842, 8855 (¶ 30) (2007) (“Thus, Commission practice is to immediately consider an application for a replacement satellite -- and grant it if the applicant is qualified -- without subjecting the application to a ‘processing queue’ or other procedure by which it considers other applications that may be mutually exclusive with the replacement satellite application.”).

V. CONCLUSION

For the reasons set forth above, Intelsat North America respectfully requests that the Commission promptly grant its pending application for authority to launch and operate Galaxy KA as amended.

Respectfully submitted,

Intelsat North America LLC

By: /s/ Susan H. Crandall

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Exhibit A
FCC Form 312, Response to Question 34: Foreign Ownership

The Commission previously approved the foreign ownership in Intelsat North America LLC (“Intelsat”). *See Intelsat Holdings, Ltd. and Serafina Holdings Limited, Consolidated Application for Consent to Transfer of Control of Holders of Title II and Title III Authorizations, Memorandum Opinion and Order, 22 FCC Rcd 22,151 (2007) (“Intelsat-Serafina Order”)*. In December 2009, the Commission also approved certain pro forma changes in Intelsat’s foreign ownership. There have been no other material changes to the foreign ownership since the date of the *Intelsat-Serafina Order*.

Exhibit B
FCC Form 312, Response to Question 36: Cancelled Authorizations

Intelsat North America LLC (“Intelsat”) has never had an FCC license “revoked.”

However, on June 26, 2000, the International Bureau “cancelled” two Ka-band satellite authorizations issued to PanAmSat Licensee Corp. (“PanAmSat”), a sister company of Intelsat North America LLC, based on the Bureau’s finding that PanAmSat had not satisfied applicable construction milestones. *See* PanAmSat Licensee Corp., Memorandum Opinion and Order, DA 00-1266, 15 FCC Rcd 18720 (IB 2000). In that same order, the Bureau denied related applications to modify the cancelled authorizations. PanAmSat filed an application for review of the Bureau’s decision, which the Commission denied, and subsequently filed an appeal with the United States Court of Appeals for the District of Columbia Circuit, which was dismissed in January 2003 at PanAmSat’s request. Notwithstanding the fact that the Bureau’s action does not seem to be the kind of revocation action contemplated by Question 36, Intelsat is herein making note of the decision in the interest of absolute candor and out of an abundance of caution. In any event, the Bureau’s action with respect to PanAmSat does not reflect on either PanAmSat’s or Intelsat’s basic qualifications, which are well-established and a matter of public record.

Exhibit C
FCC Form 312, Response to Question 40:
Officers, Directors, and Ten Percent or Greater Shareholders

Following are the officers of Intelsat North America LLC:

Michael McDonnell, Chairman
Andrew Stimson, Deputy Chairman
Phillip Spector, Secretary
Simon Van De Weg, Director, Finance

Following are the members of the Board of Managers of Intelsat North America LLC:

Michael McDonnell
Andrew Stimson
Phillip Spector

The address of all Intelsat North America LLC officers and members of the Board of Managers is:

23 avenue Monterey
L-2086 Luxembourg

Intelsat North America LLC is wholly owned by Intelsat LLC, a Delaware limited liability company. Intelsat LLC is wholly owned by Intelsat Holdings LLC, a Delaware limited liability company. Intelsat Holdings LLC is wholly owned by Intelsat Subsidiary Holding Company S.A., a Luxembourg company. Intelsat Subsidiary Holding Company S.A. is wholly owned by Intelsat Intermediate Holding Company S.A., a Luxembourg company. Intelsat Intermediate Holding Company S.A. is wholly owned by Intelsat Jackson Holdings S.A., a Luxembourg company. Intelsat Jackson Holdings S.A. is wholly owned by Intelsat (Luxembourg) S.A., a Luxembourg company. Intelsat (Luxembourg) S.A. is wholly owned by Intelsat S.A., a Luxembourg company. Intelsat S.A. is wholly owned by Intelsat Holdings S.A., a Luxembourg company. Intelsat Holdings S.A. is wholly owned by Intelsat Global Subsidiary S.A., a Luxembourg company. Intelsat Global Subsidiary S.A. is wholly owned by Intelsat Global S.A., a Luxembourg company (“Intelsat Global”, formerly “Serafina Holdings Limited”). Each of these entities may be contacted at the following address: 23 avenue Monterey, L-2086 Luxembourg.

Intelsat Global’s ownership was approved by the Commission in the *Intelsat-Serafina Order*, has not changed materially and is incorporated by reference. *See Intelsat Holdings, Ltd. and Serafina Holdings Limited, Consolidated Application for Consent to Transfer of Control of Holders of Title II and Title III Authorizations*, Memorandum Opinion and Order, 22 FCC Rcd 22,151 (2007) (“*Intelsat-Serafina Order*”).