

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

In the Matter of

Intelsat North America LLC

Amendment to Pending Application to  
Modify Authorization for Intelsat 801  
(Call Sign S2391)

File No. SAT-AMD- \_\_\_\_\_

SAT-MOD-20100208-00024

**AMENDMENT TO PENDING APPLICATION  
TO MODIFY AUTHORIZATION FOR INTELSAT 801**

Intelsat North America LLC (“Intelsat”), pursuant to Section 25.116 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,<sup>1</sup> hereby amends the above-captioned modification application seeking authority to relocate Intelsat 801 (call sign S2391) to, and to operate the satellite at, 29.5° W.L. (330.5° E.L.). Specifically, this amendment seeks a waiver of Section 25.210(j) of the Commission’s rules<sup>2</sup> to permit Intelsat to operate the Intelsat 801 satellite with an East/West station-keeping tolerance of +/- 0.09°.

In accordance with the requirements of the Commission’s rules,<sup>3</sup> this amendment has been filed electronically as an attachment to FCC Form 312. Intelsat certifies that, except for the requested change in station-keeping tolerance, all of the technical information for the Intelsat 801 already on file with the Commission has not changed and is incorporated by reference.<sup>4</sup>

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<sup>1</sup> 47 C.F.R. § 25.116.

<sup>2</sup> 47 C.F.R. § 25.210(j).

<sup>3</sup> 47 C.F.R. § 25.116(e).

<sup>4</sup> *Intelsat North America LLC, Application to Modify Authorization for Intelsat 801 (S2391)*, File No. SAT-MOD-20100208-00024 (filed Feb. 8, 2010).

## I. GOOD CAUSE EXISTS FOR WAIVER OF SECTION 25.210(j)

The Commission may grant a waiver for good cause shown.<sup>5</sup> The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.<sup>6</sup> In granting a waiver, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>7</sup> Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

Good cause exists here. As explained in the pending modification, Intelsat will operate at 29.5° W.L. (330.5° E.L.)<sup>8</sup> and will be co-located with the Intelsat 705 satellite (Call Sign S2395) at that orbital location.<sup>9</sup> Due to a bent solar array on the Intelsat 801 satellite, Intelsat must utilize low thrust firings to keep the satellite station-kept. This results in more frequent and less precise maneuvers. Intelsat seeks to expand the Intelsat 801 station-keeping box to +/- 0.09° to

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<sup>5</sup> 47 C.F.R. §1.3.

<sup>6</sup> *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

<sup>7</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>8</sup> See *supra* note 4. Intelsat has received special temporary authority to drift Intelsat 801 to 29.5° W.L. and begin operating pending grant of the modification application. See *Intelsat North America LLC, Request for Special Temporary Authority for Intelsat 801*, File No. SAT-STA-20091216-00146 (stamp grant Feb. 22, 2010). The satellite will operate with a +/- 0.05 station-keeping box under that STA.

<sup>9</sup> See *Request for Special Temporary Authority for Intelsat 705 to Drift to and Operate at 330.5° E.L. (29.5° W.L.) (Call Sign S2395)*, File No. SAT-STA-20100205-00023 (stamp grant Mar. 1, 2010). A modification application for permanent authority to operate at 330.5° E.L. (29.5° W.L.) is currently pending. *Intelsat North America LLC, Application to Modify Authorization for Intelsat 705 (S2395)*, File No. SAT-MOD-20100115-00010 (filed Jan. 15, 2010).

decrease the frequency of the satellite's station-keeping maneuvers. This will better allow Intelsat to ensure safe station-keeping of the co-located Intelsat 801 and Intelsat 705 satellites.

Grant of this waiver is consistent with Commission precedent. In August 2008, the International Bureau ("Bureau") granted Intelsat authority to operate the Intelsat 704 satellite with a station-keeping tolerance of +/- 0.10°. <sup>10</sup> The International Bureau also granted SES Americom, Inc. a waiver of Section 25.210(j) to allow operation of the Satcom SN-4 satellite with a station-keeping tolerance of +/- 0.10°. That order reminded licensees seeking a waiver of Section 25.210(j) to demonstrate that grant would not cause harmful interference by "provid[ing] information regarding the identity of known satellites located at, or planned to be located at, the location proposed by the licensee, or assigned a location in the vicinity such that the station-keeping volume of the respective satellites might overlap."<sup>11</sup> Intelsat provides this information below.

The proposed change will not result in harmful interference to adjacent satellite operators. As described above, Intelsat 801 will be co-located with the Intelsat 705 satellite at the 330.5° E.L. orbital location. These satellites will be internally coordinated at this location, and grant of this waiver to allow a +/- 0.09° station-keeping box will in fact decrease the frequency of the Intelsat 801 satellite's station-keeping maneuvers, which will better allow Intelsat to ensure safe station-keeping of these two satellites.

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<sup>10</sup> *Intelsat North America LLC, Application to Modify Authorization for Intelsat 704 (S2397)*, File No. SAT-MOD-20080428-00091 (stamp grant Aug. 8, 2008).

<sup>11</sup> *SES Americom, Inc., Application for Modification of Satcom SN-4 Fixed Satellite Space Station License*, Order and Authorization, 20 FCC Rcd 11542, 11545 (¶ 12) (2005) (granting waiver of Section 25.210(j) to permit Satcom SN-4 to operate in a larger station-keeping box prior to its replacement by AMC-23).

Furthermore, grant of the waiver will not affect the station-keeping of any other spacecraft. No commercial satellite currently operates within  $0.1^\circ$  of the  $29.5^\circ$  W.L. ( $330.5^\circ$  E.L.) orbital location.<sup>12</sup> Nor is there any planned FCC- or non-FCC licensed spacecraft scheduled to be deployed to this location whose station-keeping volume would overlap that of Intelsat 801. Given Intelsat's ability to manage potential interference internally and the lack of any station-keeping overlap with other operators, the benefits that will be achieved by grant of the requested waiver clearly outweigh the risks.

## II. CONCLUSION

For the reasons set forth herein, Intelsat respectfully requests that the Commission grant this application to modify the license of Intelsat 801 by allowing it to operate within a East/West station-keeping tolerance of  $\pm 0.09^\circ$ .

Respectfully submitted,

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<sup>12</sup> The closest non-Intelsat satellites to Intelsat 801 will be Hispasat satellites at  $330.0^\circ$  E.L. Accordingly, even if Hispasat operates with a  $\pm .10^\circ$  station-keeping box, the proposed larger station-keeping box of Intelsat 801 will not overlap with that of Hispasat.