

S2391 SAT-AMD-20100316-00050 IB2010000868  
Intelsat North America LLC  
INTELSAT 801

Date & Time Filed: Mar 16 2010 5:22:41:243PM  
File Number: SAT-AMD-20100316-00050



File # SAT-AMD-20100316-00050  
Call Sign S2391 Grant Date 09/23/10  
(or other identifier)  
Term Dates  
From 09/23/10 To: 07/18/16  
Approved: Stephen J. Duall  
Stephney J. Duall  
Chief, Satellite Policy Branch

Approved by OMB  
3060-0678

\*See also

SAT-MOD-20100208-00024;  
SAT-AMD-20100920-00196

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM FCC Use Only  
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:  
Amendment to Modification to Relocate Intelsat 801 to and Operate at 29.5 W.L. S2391

1-8. Legal Name of Applicant

Name:	Intelsat North America LLC	Phone Number:	202-944-7848
DBA Name:		Fax Number:	202-944-7870
Street:	c/o Intelsat Corporation 3400 International Drive, N.W.	E-Mail:	susan.crandall@intelsat.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20008 -3006
Attention:	Susan H Crandall		

Attachment to Grant

IBFS File No. SAT-MOD-20100208-00024; SAT-AMD-20100316-00050; SAT-AMD-2010920-00196  
Call Sign: S2391

The application of Intelsat North America LLC (Intelsat) to modify the authorization of its C- and Ku-band Fixed-Satellite Service (FSS) space station, Intelsat 801 (Call Sign S2391), IBFS File No. SAT-MOD-20100208-00024, as amended by SAT-AMD-20100316-00050 and SAT-AMD-20100920-00196, IS GRANTED.<sup>1</sup> Accordingly, Intelsat IS AUTHORIZED to provide FSS via Intelsat 801 at the 29.5° W.L. orbital location in the following frequency bands: 3625-4200 MHz (space-to-Earth), 5850-6425 MHz (Earth-to-space), 10.95-11.20 GHz (space-to-Earth), 11.45-11.95 GHz (space-to-Earth), 12.50-12.75 GHz (space-to-Earth), and 14.0-14.5 GHz (Earth-to-space). In addition, Intelsat is authorized to conduct telemetry, tracking, and telecommand (TT&C) operations necessary to maintain Intelsat 801 at the 29.5° W.L. orbital location using the following center frequencies: 3947.5 MHz, 3948.0 MHz, 3952.0 MHz, 3952.5 MHz, 6173.7 MHz, and 6176.3 MHz. This authorization is granted in accordance with the terms, conditions, and technical specifications set forth in Intelsat's application, the Commission's rules, and is subject to the following conditions:

1. Intelsat shall operate the Intelsat 801 space station at the 29.5° W.L. orbital location in compliance with all existing or future coordination agreements for that location.
2. In connection with the provision of service in any particular country, Intelsat is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of that country
3. Intelsat's request that the Part 25 technical waivers previously granted for the operations of Intelsat 801 at the 31.5° W.L. orbital location, *i.e.* Sections 25.202(g), 25.210(a)(1), 25.210(a)(3), 25.210(i)(1), and 25.211(a), continue to apply to the operations of Intelsat 801 at the 29.5° W.L. orbital location IS GRANTED. *See* Intelsat LLC, Memorandum Opinion and Order, 15 FCC Rcd 15460 (2000), *recon. denied*, 15 FCC Rcd 25234 (2000).
4. Intelsat's request for waiver of Section 25.210(j) of the Commission's rules, 47 C.F.R. 25.210(j), to allow it to operate the Intelsat 801 satellite with an east-west station-keeping range of +/-0.09 degrees IS GRANTED, as conditioned. Section 25.210(j) states that space stations "must be maintained within 0.05 degrees of their assigned orbital longitude in the east/west direction, unless specifically authorized by the Commission to operate with a different longitudinal tolerance." Intelsat states that, due to a bent solar array on the Intelsat 801, it must use low thrust firings to keep the satellite station-kept, which results in more frequent and less precise maneuvers. Intelsat states that permitting a larger station-keeping box will allow it to better ensure the safe co-location of the Intelsat 801 satellite with the Intelsat 705 satellite at 29.5° W.L. orbital location. Intelsat also states that the larger station-keeping volume will not adversely affect any other satellite operator because Intelsat, or its sister company, operate the co-located or immediately adjacent satellites, and because the nearest non-Intelsat satellites would not have overlapping station-keeping volumes with Intelsat 801, even if it is operated with +/- 0.09 degree station-keeping volume. This waiver and the operations it permits shall terminate in the event that a satellite is launched into a location such that its station-keeping volume would overlap the Intelsat 801 satellite's +/- 0.09 degree station-keeping volume, but would not overlap the Intelsat 801 satellite's +/-0.05 degree station-keeping volume, unless Intelsat has successfully coordinated its physical operations with those of the other spacecraft. Further, this waiver is limited to this spacecraft, does not extend to any replacement satellites, and is limited to operations at the 29.5° W.L. orbital location.

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<sup>1</sup> Intelsat 801 is currently operating at the 29.5° W.L orbital location pursuant to grants of special temporary authority. *See* SAT-STA-20091216-00146 (granted Feb. 22, 2010), SAT-STA-20100416-00079 (granted May 12, 2010), SAT-STA-20100616-00139 (granted Aug. 6, 2010), and SAT-STA-20100816-00177 (granted Aug. 25, 2010).

5. We grant Intelsat's request for a waiver of Section 25.283(c) of the Commission's rules, 47 C.F.R. § 25.283(c), which requires that all stored energy will be discharged at the spacecraft's end of life. Intelsat 801 is a Lockheed Martin A-7000 spacecraft. Intelsat states that an oxidizer tank was sealed off after completion of transfer orbit operations soon after the launch of Intelsat 801 on March 1, 1997. The sealed tank contains approximately 9.45 kg of oxidizer remaining in the tank, with the tank volume being approximately 660 liters. We waive Section 25.283(c) in light of the fact that the action taken to seal the tank was taken prior to the adoption of this rule, and compliance would require direct retrieval of the spacecraft.
6. Intelsat's use of the 3625-3650 MHz (space-to-Earth) band is subject to footnote US245 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US245, which states that the use of the non-Federal fixed-satellite service in this band is limited to international inter-continental systems and is subject to case-by-case electromagnetic compatibility analysis.
7. Intelsat's use of the 3650-3700 MHz (space-to-Earth) band is subject to footnote NG185 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106 NG185, which states that the use of the non-Federal fixed-satellite service in this band is limited to international inter-continental systems.
8. Intelsat's use of the 5850-5925 MHz band (Earth-to-space) is subject to footnote US245 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US245, which states that the 5850-5925 MHz use of the non-Federal fixed-satellite service is limited to international inter-continental systems and is subject to case-by-case electromagnetic compatibility analysis. Intelsat shall not claim protection from radiolocation transmitting stations operating in accordance with footnote G2.<sup>2</sup>
9. The operation of the Intelsat 801 space station in the 10.95-11.20 GHz and 11.45-11.70 GHz band is limited to international operations in accordance with footnote NG 104 to the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, NG 104, and footnote 2 of Section 25.202(a)(1) of the Commission's rules, 47 C.F.R. § 25.202(a)(1).
10. Intelsat's use of the 10.95-11.20 GHz and the 11.45-11.70 GHz band is subject to footnote US211 to the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US211, which urges applicants for airborne or space station assignments to take all practicable steps to protect radio astronomy observations in the adjacent bands from harmful interference, consistent with footnote US74.
11. Use of the 12.50-12.75 GHz frequency bands is not permitted for Fixed-Satellite Service in the space-to-Earth direction in Region 2.
12. Grant of this authorization does not constitute "specific authority" pursuant to Section 25.161(c) of the Commission's rules.

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<sup>2</sup> For technical information of these radiolocation systems, see NTIA Report 83-115, Spectrum Resource Assessment in the 5650-5925 MHz Band, and NTIA Report 00-373, Measured Occupancy of 5850-5925 MHz and Adjacent 5-GHz Spectrum in the United States at <http://www.its.bldrdoc.gov/pub/pubs.php>.

Attachment to Grant

IBFS File No. SAT-MOD-20100208-00024; SAT-AMD-20100316-00050; SAT-AMD-2010920-00196  
Call Sign: S2391

13. Grant of this authorization is without prejudice to any decision regarding Intelsat 's ability to file an application for authorization to operate a replacement space station in the 10.95-11.20 GHz and 11.70-11.95 GHz frequency bands at the 31.5° W.L. orbital location.<sup>3</sup> Grant of this authorization does not constitute an announcement that these frequencies are available for reassignment.
14. Intelsat's operation of the Intelsat 801 space station in the 3625-4200 MHz, 5850-6425 MHz, 10.95-11.2 GHz, 11.45-11.95 GHz, 12.5-12.75 GHz, and 14.0-14.5 GHz frequency bands at the 29.5° W.L. orbital location is subject to the following conditions:
  - a. Intelsat shall remain a signatory to the Public Services Agreement between Intelsat and the International Telecommunications Satellite Organization (ITSO) that was approved by the ITSO Twenty-fifth Assembly of Parties, as amended.
  - b. No entity shall be considered a successor-in-interest to Intelsat under the ITSO Agreement for licensing purposes unless it has undertaken to perform the obligations of the Public Services Agreement approved by the Twenty-fifth Assembly of Parties, as amended.
15. Nothing in this authorization extends the license term for this space station, Call Sign S2391, which expires on July 18, 2016.
16. Intelsat is afforded 30 days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
17. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.



\* with conditions

SAT-MOD-20100208-00024  
SAT-AMD-20100316-00050  
File # SAT-AMD-20100920-00196  
Call Sign S2391 Grant Date 09/23/10  
(or other identifier)  
Term Dates  
From 09/23/10 To: 07/18/16  
Approved: Stephen J. Dwall

Stephen J. Dwall  
Chief, Satellite Policy Branch

<sup>3</sup> Intelsat 25 (Call Sign S2804) is authorized to operate at the 31.5° W.L. orbital location that was formerly occupied by Intelsat 801. See SAT-A/O-20091223-00151 (granted Apr. 9, 2010). In its application to operate the Intelsat 25 at 31.5° W.L., Intelsat did not seek, and was not granted, authority to use the 10.95-11.2 GHz and 11.7-11.95 GHz frequency bands, which were authorized for use by Intelsat 801 at that location. Intelsat 801 left the 31.5° W.L. orbital location pursuant to a grant of STA. As of the date of this action, no Intelsat space station is operating in the 10.95-11.2 GHz and 11.7-11.95 GHz frequency bands at the 31.5° W.L. orbital location.

9-16. Name of Contact Representative

<b>Name:</b>	Jennifer D. Hindin	<b>Phone Number:</b>	202-719-4975
<b>Company:</b>	Wiley Rein LLP	<b>Fax Number:</b>	202-719-7049
<b>Street:</b>	1776 K Street, NW	<b>E-Mail:</b>	jhindin@wileyrein.com
<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20006-
<b>Attention:</b>		<b>Relationship:</b>	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a1. Earth Station
- a2. Space Station

- (N/A) b1. Application for License of New Station
- (N/A) b2. Application for Registration of New Domestic Receive-Only Station
- b3. Amendment to a Pending Application
- b4. Modification of License or Registration
- b5. Assignment of License or Registration
- b6. Transfer of Control of License or Registration
- b7. Notification of Minor Modification
- (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
- (N/A) b10. Other (Please specify)
- (N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States
- (N/A) b12. Application for Database Entry
- b13. Amendment to a Pending Database Entry Application
- b14. Modification of Database Entry

<p>17c. Is a fee submitted with this application?  <input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).  <input type="radio"/> Governmental Entity    <input type="radio"/> Noncommercial educational licensee  <input type="radio"/> Other (please explain):</p>	<p>17d.           Fee Classification CWY – Space Station Amendment (Geostationary)</p>
<p>18. If this filing is in reference to an existing station, enter:          (a) Call sign of station:          S2391</p>	<p>19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number:          (a) Date pending application was filed: 02/08/2010          (b) File number: SATMOD2010020800024</p>

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify)

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier
- Non-Common Carrier

22. If earth station applicant, check all that apply.

- Using U.S. licensed satellites
- Using Non-U.S. licensed satellites

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

- Connected to a Public Switched Network
- Not connected to a Public Switched Network
- N/A

24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz)
- b. Ku-Band (12/14 GHz)
- c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower:      Frequency Upper: (Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- a. Fixed Earth Station
- b. Temporary-Fixed Earth Station
- c. 12/14 GHz VSAT Network
- d. Mobile Earth Station
- e. Geostationary Space Station
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive
- Transmit-Only
- Receive-Only
- N/A

"For Space Station applications, select N/A."



PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a --- authorization to add new emission designator and related service
- b --- authorization to change emission designator and related service
- c --- authorization to increase EIRP and EIRP density
- d --- authorization to replace antenna
- e --- authorization to add antenna
- f --- authorization to relocate fixed station
- g --- authorization to change frequency(ies)
- h --- authorization to add frequency
- i --- authorization to add Points of Communication (satellites & countries)
- j --- authorization to change Points of Communication (satellites & countries)
- k --- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l --- authorization to change orbit location
- m --- authorization to perform fleet management
- n --- authorization to extend milestones
- o --- Other (Please specify)

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

Yes  No

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?

Yes  No

30. Is the applicant an alien or the representative of an alien?

Yes  No  N/A

31. Is the applicant a corporation organized under the laws of any foreign government?

Yes  No  N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes  No  N/A

<p>33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?</p>	<p style="text-align: right;"> <input checked="" type="radio"/> Yes    <input type="radio"/> No    <input type="radio"/> N/A         </p>
<p>34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.</p>	

**BASIC QUALIFICATIONS**

<p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>	<p style="text-align: right;"> <input checked="" type="radio"/> Yes    <input type="radio"/> No         </p> <p style="text-align: center;">Waiver Request</p>
<p>36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p style="text-align: right;"> <input checked="" type="radio"/> Yes    <input type="radio"/> No         </p>

<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p style="text-align: center;"> <input type="radio"/> Yes      <input checked="" type="radio"/> No         </p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p style="text-align: center;"> <input type="radio"/> Yes      <input checked="" type="radio"/> No         </p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p style="text-align: center;"> <input type="radio"/> Yes      <input checked="" type="radio"/> No         </p>
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p>	

<p>41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; party to the application; for these purposes.</p>	<p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p>
<p>42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.</p>	<p style="text-align: right;">Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?</p>	
<p>43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)</p> <div style="border: 1px solid black; padding: 5px;"> <p>Intelsat North America LLC, pursuant to Section 25.116 of the rules of the Federal Communications Commission, hereby amends its pending modification application seeking authority to relocate its Intelsat 801 satellite, call sign S2391. Specifically, this amendment seeks a waiver of Section 25.210(j) of the Commission's rules.</p> </div>	

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing  
Susan H. Crandall

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46. Title of Person Signing  
Asst. General Counsel, Intelsat Corporation

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT  
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION  
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**



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>

<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.