

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
SAT-AMD-20100316-00050

**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,¹ 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 provides a revised orbital debris mitigation statement and seeks waiver of Section 25.283(c) of the Commission’s rules to the extent the rule requires Intelsat to discharge all propellant remaining in the satellite upon de-orbiting.²

In accordance with the requirements of the Commission’s rules,³ this amendment has been filed electronically as an attachment to FCC Form 312. Intelsat certifies that, except for the

¹ 47 C.F.R. § 25.116.

² 47 C.F.R. § 25.283(c) (“... a space station licensee shall ensure, unless prevented by technical failures beyond its control, that all stored energy sources on board the satellite are discharge by venting excess propellant, discharging batteries, relieving pressure vessels, and other appropriate measures.”).

³ 47 C.F.R. § 25.116(e).

amended orbital debris mitigation information, all of the technical information for the Intelsat 801 already on file with the Commission has not changed and is incorporated by reference.⁴

I. REVISED ORBITAL DEBRIS MITIGATION STATEMENT

Intelsat's pending request for modification to operate Intelsat 801 at 29.5° W.L. included, for the first time, an orbital debris mitigation statement under Section 25.114(d)(14)(ii).⁵ This amendment is being filed to clarify that the Intelsat 801 satellite was not designed or constructed to allow for the discharge of all propellant upon de-orbiting. For the Commission's convenience, Attachment A revises the Minimizing Accidental Explosions section of the orbital debris mitigation statement previously submitted with the pending modification application on page 6 of the Engineering Statement.

II. REQUEST FOR WAIVER OF 25.283(C)

To the extent Section 25.283(c) of the Commission's rules requires Intelsat to discharge all propellant remaining in the Intelsat 801 satellite upon de-orbiting, Intelsat requests waiver of this rule. Under Section 1.3 of the Commission's rules, the Commission has authority to waive its rules "for good cause shown."⁶ Good cause exists if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest" better than

⁴ *Intelsat North America LLC, Application to Modify Authorization for Intelsat 801 (S2391)*, File No. SAT-MOD-20100208-00024 (filed Feb. 8, 2010); *Intelsat North America LLC, Amendment to Pending Application to Modify Authorization for Intelsat 801 (S2391)*, File No. SAT-AMD-20100316-00050 (filed Mar. 16, 2010) (amendment seeking waiver of Section 25.210(j) of the Commission's rules to permit Intelsat to operate the Intelsat 801 satellite with an East/West station-keeping tolerance of +/- 0.09°).

⁵ The Commission excluded "authorized space station and earth station operations" from the orbital debris mitigation disclosure rules that became effective October 19, 2005 until an existing licensee sought authority to modify its authorization. *Disclosure of Orbital Debris Mitigation Plans, Including Amendments of Pending Applications*, Public Notice, Report No. SPB-112, DA 05-2698 (Oct. 13, 2005).

⁶ 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

adherence to the general rule.⁷ In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”⁸ As shown below, there is good cause for the requested waiver.

Waiver is appropriate in this case because grant would not undermine the purpose of the rule, which is to reduce the risk of accidental explosion. Intelsat 801 is expected to have 9.45 kg of oxidizer remaining in the tank at the end of its mission, with the tank volume being approximately 660 liters. This minimal amount of oxidizer will not cause the pressure in the oxidizer tank to exceed its burst pressure, even in a worst case end-of-life temperature scenario. Moreover, Intelsat will take steps to minimize the risk of reaction between fuel and oxidizer by using best efforts to vent both the fuel and pressurant through thrusters at the end of the mission. Oxidizer remaining in the propellant manifolds also will be expelled by performing an engine pulsing maneuver. The minimal amount of residual oxidizer, combined with these end-of-life measures, will ensure that there is little risk of accidental explosion following the end-of-life of the Intelsat 801 satellite.

Grant of this waiver is also supported on hardship grounds. The oxidizer tank on the Intelsat 801 satellite was permanently sealed off following the completion of launch transfer orbit via a pyro valve, and consequently cannot be vented at the satellite’s end-of-life. Intelsat 801 is currently in orbit and a design change cannot be accomplished at this time. Waiver in these circumstances is further supported by the fact the Intelsat 801 satellite was licensed prior to

⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁸ *WAIT Radio*, 418 F.2d at 1159.

adoption of the rule requiring discharge of remaining fuel at end of life.⁹ Waiver of Section 25.283(c) is also consistent with Commission precedent.¹⁰

For these reasons, the public interest would be served by waiver of the Section 25.283(c) requirement.

III. CONCLUSION

Based on the foregoing, Intelsat respectfully requests that the Commission grant this amendment application.

Respectfully submitted,

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⁹ *Applications of Intelsat LLC for Authority to Operate, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, Memorandum Opinion Order and Authorization, 15 FCC Rcd 15460 (2000). The Commission's orbital debris mitigation rule requiring discharge of all propellant, Section 25.283(c), was adopted in an order released June 21, 2004 that became effective October 12, 2004. *Mitigation of Orbital Debris*, Second Report and Order, 19 FCC Rcd 11567 (2004); *Mitigation of Orbital Debris*, 69 Fed. Reg. 54581-54589 (Sept. 9, 2004).

¹⁰ *See PanAmSat Licensee Corp. Amendment to Application for Modification of Authority to Launch and Operate*, SAT-AMD-20070716-00102 (filed July 16, 2007) (stamp grant with conditions Oct. 4, 2007) (granting partial waiver of Section 25.283(c) to Intelsat 11 (call sign S2237) on hardship grounds).