

* See also
SAT-MOD-20100208-00024
SAT-AMD-2010 0316-00050

File # SAT-AMD-20100920-00196
Call Sign S2391 **Grant Date** 09/23/10
(or other identifier)
From 09/23/10 **To:** 07/18/16
Approved: *Stephen J. Duall*
Approved by OMB 3060-0678

GRANTED*
International Bureau
*with conditions

S2391 SAT-AMD-20100920-00196 IB2010002929
Intelsat North America LLC
Intelsat 801

Date & Time Filed: Sep 20 2010 4:07:50:030PM
File Number: 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 Application 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		

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.¹ 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.

¹ 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 G2.²
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.

² 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.³ 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. Duall

Stephen J. Duall
Chief, Satellite Policy Branch

³ 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

Name: Jennifer D. Hindin **Phone Number:** 202-719-4975
Company: Wiley Rein LLP **Fax Number:** 202-719-7049
Street: 1776 K Street, NW **E-Mail:** jhindin@wileyrein.com

City: Washington **State:** DC
Country: USA **Zipcode:** 20006-
Attention: **Relationship:** 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>	
17d.	
<p>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>	<p style="text-align: right;">Exhibit A</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>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 Exhibit B </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: right;"> <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: right;"> <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: right;"> <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 style="text-align: right;">Exhibit C</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 style="text-align: center;">Attachment A</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 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 Amendment Narrative</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

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).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

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.

43. Description. (Summarize the nature of the application and the services to be provided).

Intelsat North America LLC, pursuant to Section 25.116 of the rules of the Federal Communications Commission, hereby amends its 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 rules of the Commission to the extent the rule requires Intelsat to discharge all propellant remaining in the satellite upon de-orbiting.

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).