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November 28, 2012

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**VIA IBFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: DIRECTV Enterprises, LLC Application as Amended for  
Authorization to Operate DIRECTV 1R at 55.8° E.L.; File No. SAT-  
A/O-20120817-00137 (S2369) and File Nos. SAT-AMD-20120824-00142  
& SAT-AMD-20120913-00148 (S2872)**

Dear Ms. Dortch:

Intelsat License LLC ("Intelsat"), by counsel, submits the attached corrected version of comments in the above-referenced proceeding. Intelsat respectfully requests that the Federal Communications Commission ("FCC") remove the comments dated November 27, 2012 from the record.

Please contact the undersigned with any questions. Thank you for your assistance.

Respectfully Submitted,

*/s/ Jennifer D. Hindin*

Jennifer D. Hindin  
*Counsel for Intelsat License LLC*

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
DIRECTV Enterprises, LLC	)	File No. SAT-A/O-20120817-00137
	)	(S2369)
	)	
Application as Amended	)	File Nos. SAT-AMD-20120824-00142
for Authorization to Operate	)	& SAT-AMD-20120913-00148
DIRECTV 1R at 55.8° E.L.	)	(S2872)

**COMMENTS OF INTELSAT LICENSE LLC**

Intelsat License LLC (“Intelsat”)<sup>1</sup> hereby comments in support of the above-referenced amended application of DIRECTV Enterprises, LLC (“DIRECTV”) for authority to operate the DIRECTV 1R satellite at 55.8° E.L.<sup>2</sup> In response to DIRECTV’s application, New Skies Satellites B.V. (doing business as “SES”) requests that the International Bureau (“the Bureau”) impose conditions on the DIRECTV 1R grant to safeguard the rights of adjacent satellite

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<sup>1</sup> DIRECTV, the Russian Satellite Communications Company (“RSCC”), and Intelsat License LLC, entered a commercial arrangement to mitigate an unexpected gap in service at the nominal 56° E.L. orbital location. The RSCC operates Bonum 1 at the 56° E.L. orbital location. In order to extend its useful life, Bonum 1 is being operated in an increasingly inclined orbit, which has begun to compromise its ability to provide reliable service to RSCC’s subscribers. The commercial arrangement between DIRECTV, RSCC, and Intelsat provides for the migration of DIRECTV 1R to the 55.8° E.L. orbital location, and the transfer of some traffic from Bonum 1 to DIRECTV 1R to ensure continuity of service to RSCC’s subscribers at the nominal 56° E.L. orbital location.

<sup>2</sup> See DIRECTV Enterprises, LLC, File Nos. SAT-A/O-20120817-00137 (filed Aug. 17, 2012), SAT-AMD-20120824-00142 (filed Aug. 24, 2012), SAT-AMD-20120913-00148 (filed Sept. 27, 2012). The original application for authorization to relocate to 56.16° E.L. was later amended to request authorization at 55.8° E.L. See also DIRECTV Enterprises, LLC, File No. SAT-AMD-20120913-00148 (filed Sept. 27, 2012).

operations.<sup>3</sup> Intelsat urges the Commission to avoid imposing conditions that are unnecessary to ensure operations on a non-interference basis and may be used to influence any operator-to-operator coordination discussions that may be required.

Specifically, the Commission should reject SES's request that the Commission impose a condition requiring DIRECTV to comply with relevant PFD limits in Appendix 30 of the ITU Radio Regulations unless higher levels have been successfully coordinated.<sup>4</sup> As explained by DIRECTV, from an ITU perspective, these limits are intended as a coordination trigger, not an operating limitation.<sup>5</sup> Indeed, the ITU permits operations pending the outcome of required coordination provided there is no harmful interference (see No. 4.1.18 of Appendix 30 of the ITU Radio Regulations). Moreover, from an FCC perspective, imposing the condition requested by SES conflicts with the Commission's long-standing precedent for operation of satellites with lower ITU priority on an unprotected and non-harmful interference basis.<sup>6</sup> Thus, there is no domestic or international requirement for the FCC to impose the condition SES requests.

In Intelsat's experience, including the condition requested by SES in an FCC order unnecessarily alters the coordination environment between private satellite operators. Intelsat recently faced similar opposition from Al Yah Satellite Communications Company PrJSC

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<sup>3</sup> See Comments of New Skies Satellites B.V., IBFS File No. SAT-AMD-20120913-00148 (filed Oct. 31, 2012).

<sup>4</sup> *Id.* at 8.

<sup>5</sup> See Response of DIRECTV Enterprises, LLC, File Nos. SAT-A/O-20120817-00137, SAT-AMD-20120824-00142, and SAT-AMD-20120913-00148 at 2 (filed Nov. 13, 2012).

<sup>6</sup> *Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order, 18 FCC Rcd 10,760, 10,870-71 ¶ 296 (2003). See, e.g., Galaxy 26 50.0° E.L. Grant, IBFS File No. SAT-MOD-20110420-00073, Attachment to Grant at ¶ 1 (Mar. 2, 2012) (requiring all operations to be on an unprotected and non-harmful interference basis).

(“Yahsat”), in a joint venture with SES, to the non-interference/non-protected operational parameters of a pending modification application.<sup>7</sup> Yahsat claimed that Intelsat’s proposed operations—regardless of the non-interference/non-protected requirement—would cause harmful interference to Yahsat’s adjacent satellite operating under a higher ITU-priority filing. However, after the FCC imposed upon Intelsat a condition limiting the satellite’s operation to the coordination trigger levels in Appendix 30, Yahsat and Intelsat reached a coordination agreement.<sup>8</sup>

The FCC should not impose upon applicants technical parameters that the ITU employs as coordination triggers because by doing so, the FCC adversely influences the coordination process to the detriment of the applicant. The ITU does not require operators to limit transmissions to the trigger level; to the contrary, the ITU rules explicitly allow operation pending the outcome of required coordination provided there is no harmful interference. Intelsat urges the FCC not to allow its processes to be used to alter the coordination environment established by the ITU’s rules. Intelsat therefore urges the FCC to grant DIRECTV’s pending application without a condition requiring operations below the PFD coordination trigger set forth in Appendix 30 of the ITU Radio Regulations.

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<sup>7</sup> See Comments of New Skies Satellites B.V., IBFS File No. SAT-MOD-20110420-00073 (filed June 6, 2011). See also Comments of Al Yah Satellite Communications Company PrJSC, IBFS File No. SAT-MOD-20110420-00073 (filed June 6, 2011).

<sup>8</sup> See Joint Letter of Intelsat and Yahsat, File Nos. SAT-STA-20120125-00012; SAT-STA-20111219-00241; SAT-STA-20111207-00236; SAT-STA-20111123-00227; SAT-STA-20110923-00185; SAT-STA-20110727-0037; SAT-STA-20110314-00053; SAT-MOD-20110420-00073 (filed Feb. 24, 2012).

Respectfully submitted,

*/s/ Susan H. Crandall*

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November 28, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 28th day of November, 2012, a copy of the foregoing Comments of

Intelsat License LLC was served by first class mail upon:

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*/s/ Colleen King*  
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