



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

November 29, 2012

Jennifer D. Hindin
202.719.4975
jhindin@wileyrein.com

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 28, 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”)¹ 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.² 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

¹ 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.

² 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.³ 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.⁴ As explained by DIRECTV, from an ITU perspective, these limits are intended as a coordination trigger, not an operating limitation.⁵ 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.⁶ 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

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

⁴ *Id.* at 8.

⁵ 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).

⁶ *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”) to the non-interference/non-protected operational parameters of a pending modification application.⁷ 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.⁸

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.

⁷ 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).

⁸ 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

Susan H. Crandall
Assistant General Counsel, Intelsat Corporation

Jennifer D. Hindin
Colleen King
WILEY REIN LLP
1776 K Street, N.W.
Washington, DC 20006

November 29, 2012

CERTIFICATE OF SERVICE

I hereby certify that, on this 29th day of November, 2012, a copy of the foregoing Comments of

Intelsat License LLC was served by first class mail upon:

Karis A. Hastings
SatCom Law LLC
1317 F Street, N.W., Suite 400
Washington, DC 20004

Daniel C.H. Mah
Regulatory Counsel
for New Skies Satellites B.V.
1129 20th Street N.W., Suite 1000
Washington, DC 20036

William M. Wiltshire
Wiltshire & Grannis LLP
1200 Eighteenth Street, N.W.
Washington, DC 20036

Yuri Prokhorov
Director General
Russian Satellite Communications Company
8, str. 6, 1-st Goncharny pereulok,
Moscow, 115172, Russia

/s/ Colleen King
Colleen King