

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

In the Matter of)	
)	
INTELSAT LICENSE LLC)	File Nos. SAT-LOA-20130722-00097
)	& SAT-AMD-20140718-00087
Application to Launch and Operate Intelsat 29e)	Call Sign S2913

REPLY OF NEW SKIES SATELLITES B.V.

New Skies Satellites B.V. (“New Skies”) hereby submits its reply regarding the above-captioned application for authority to launch and operate Intelsat 29e, a C-, Ku-, and Ka-band satellite to be located at 50.0° W.L. (the “Intelsat 29e Application”). In its comments, New Skies noted that it operates the NSS-806 satellite at 47.5° W.L., two and a half degrees away from the proposed Intelsat 29e location.¹ To ensure the compatibility of the proposed Intelsat operations with adjacent networks, New Skies requested that the Commission include in any grant of the Intelsat 29e Application a standard condition regarding Intelsat’s obligation to comply with Commission-specified power levels unless it coordinates higher power levels with nearby systems² and argued that additional information regarding Intelsat’s proposed operations might be necessary to permit evaluation of the impact on other networks.³ For the reasons set out below, the Commission should reject Intelsat’s request to introduce new language into the condition requested by New Skies, and should further consider whether Intelsat should be required to provide an MSPACE analysis.

¹ Comments of New Skies Satellites B.V., File Nos. SAT-LOA-20130722-00097 & SAT-AMD-20140718-00087 (filed Oct. 14, 2014) (“New Skies Comments”).

² New Skies Comments at 1-4.

³ *Id.* at 4-5.

Section 25.212 Power Limits: Intelsat does not oppose the Section 25.212 condition requested by New Skies⁴ but seeks to add language that is inconsistent with Commission policy. The Commission must refuse this change and instead use the formulation of the Section 25.212 condition that has been applied to NSS-806 (at Intelsat's request)⁵ and to numerous other space stations licensed by the Commission or authorized to serve the U.S.⁶

Specifically, Intelsat states that it does not oppose the condition language requested by New Skies provided that the italicized sentence below is added:

Intelsat shall comply with the power levels specified in Sections 25.212 of the Commission's rules, 47 C.F.R. § 25.212, unless Intelsat coordinates any operations using power levels exceeding the levels in Section 25.212 with all potentially affected adjacent satellites within 6 degrees orbital separation of the 50.0° W.L. orbital location. Intelsat shall inform the Commission of the power levels it has coordinated. In addition, Intelsat must inform all affected earth station operators that Section 25.220 of the Commission's rules, 47 C.F.R. § 25.220, applies to operations that exceed the power levels specified in Section 25.212. *In this context, a "potentially affected" satellite is one with which coordination is required under the provisions of Article 9 and Appendix 5 of the ITU Radio Regulations.*⁷

⁴ Response of Intelsat License LLC, File Nos. SAT-LOA-20130722-00097 & SAT-AMD-20140718-00087 (filed Oct. 29, 2014) ("Intelsat Response") at 2-3.

⁵ See Request for Clarification or, Alternatively, Petition for Reconsideration of Intelsat License LLC, File No. SAT-MPL-20130906-00114 (filed Jan. 6, 2014).

⁶ See, e.g., *SES Americom, Inc.*, File No. SAT-MOD-20140207-00020, grant-stamped April 10, 2014, Attachment to Grant at 3, ¶ 15; *New Skies Satellites B.V.*, File No. SAT-MPL-20130906-00114, grant-stamped Feb. 4, 2014, Attachment to Grant at 3, ¶ 11; *New Skies Satellites B.V.*, File No. SAT-PPL-20120717-00117, grant-stamped Aug. 1, 2013, Attachment to Grant at 5, ¶ 20; *Hispasat, S.A.*, File No. SAT-PPL-20130430-00064, grant-stamped Dec. 20, 2013, Attachment to Grant at 1, ¶ 4; *Intelsat License LLC*, File No. SAT-MOD-20120713-00110, grant-stamped May 21, 2014, Attachment to Grant at 2-3, ¶ 7; *Intelsat License LLC*, File No. SAT-MOD-20130322-00052, grant-stamped Oct. 23, 2013, Attachment to Grant at 2, ¶ 14; *Intelsat License LLC*, File No. SAT-RPL-20120216-00018, grant-stamped May 25, 2012, Attachment to Grant at 3, ¶ 13; *Intelsat License LLC*, File No. SAT-LOA-20110610-00105, grant-stamped Oct. 9, 2012, Attachment to Grant at 2, ¶ 7.

⁷ Intelsat Response at 2-3.

Intelsat attempts to downplay the significance of this new sentence, characterizing it as a clarification “to ensure the condition cannot be misinterpreted.”⁸

In fact, however, the additional language would impermissibly replace the Commission’s existing two-degree spacing framework with ITU coordination based on date priority. As Intelsat is aware, the Commission is conducting an ongoing rulemaking proceeding in which it is comprehensively reviewing its satellite licensing rules, including those implementing two-degree spacing.⁹ Among the proposals on which the Commission has sought comment is Intelsat’s argument that “*instead of adhering to the two-degree spacing rules, the Commission should allow coordination between operators to control operational requirements and should resolve disputes based on ITU coordination priority.*”¹⁰

Thus, it is clear that the additional language proposed by Intelsat represents a departure from existing Commission policy that is being considered only as a possible *prospective* change in the regulatory framework. Unless and until the Commission adopts such a change, the Commission must continue to apply current two-degree spacing policy as reflected in the condition language originally requested by New Skies. Intelsat’s attempt to prejudge the outcome of the Part 25 FNPRM by inserting new language into the condition must be rejected.

Additional information under Section 25.114: New Skies raised the question whether Section 25.114(d)(13)(ii) requires Intelsat to submit an MSPACE analysis given its proposed use of DBS frequencies, even though it plans to use that spectrum only for FSS

⁸ *Id.* at 2.

⁹ *Comprehensive Review of Licensing and Operating Rules for Satellite Services, Further Notice of Proposed Rulemaking, IB Docket No. 12-267, FCC 14-1427 (rel. Sept. 30, 2014) (“Part 25 FNPRM”).*

¹⁰ *Id.* at ¶ 43 (emphasis added), *citing* Comments of Intelsat License LLC in GN Docket No. 14-25, filed March 31, 2014 at 5-7.

applications.¹¹ Intelsat argues that Section 25.114(d)(13)(ii) does not apply because Intelsat does not seek to provide DBS service.¹² Intelsat also states that the ITU has performed and published an MSPACE analysis of Intelsat 29e that is available to interested parties.¹³

New Skies submits that the intent of Section 25.114(d)(13)(ii) is to allow other DBS operators to evaluate the impact of a proposed system on their networks and that the MSPACE information is useful to protect networks in the Plan. Accordingly, the mere fact that Intelsat proposes to use DBS frequencies only for FSS does not suggest that Intelsat should be exempt from an MSPACE filing requirement. Furthermore, if the MSPACE analysis performed by the ITU accurately reflects the Intelsat 29e characteristics as filed with the Commission, New Skies sees no reason why Intelsat should not be required to submit that analysis into the record before the Commission. Alternatively, as we indicated previously, if the Commission believes that a different technical standard should be applied in this case, then that should be made clear so that other parties understand what that standard is.

¹¹ New Skies Comments at 4.

¹² Intelsat Response at 3-4.

¹³ *Id.* at 4.

For the reasons set forth herein and in its initial comments, New Skies asks the Commission to include the standard Part 25.212 condition in any grant of the Intelsat 29e Application, without the added language suggested by Intelsat, and to determine whether Intelsat should be required to submit an MSPACE analysis in support of its application.

Respectfully submitted,

NEW SKIES SATELLITES B.V.

By: /s/ Daniel C.H. Mah

Of Counsel
Karis A. Hastings
SatCom Law LLC
1317 F Street, N.W., Suite 400
Washington, D.C. 20004

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

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2014, a true copy of the foregoing "Reply of New Skies Satellites B.V." is being sent by first class, U.S. Mail, postage paid, to the following:

Susan H. Crandall
Associate General Counsel
INTELSAT CORPORATION
7900 Tysons One Place
McLean, VA 22102-5972

Jennifer D. Hindin
Colleen King
WILEY REIN LLP
1776 K Street, N.W.
Washington, DC 20006-2304

/s/ _____
Norma Herrera