

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of

**Intelsat License LLC**

Application for Authority to Launch and Operate Galaxy 15R, a Replacement Satellite With New Frequencies, at 133.0° W.L. (227.0 E.L.)

File Nos.

SAT-LOA-20170524-00078

SAT-AMD-20170613-00086

**REPLY OF IRIDIUM SATELLITE LLC**

As Iridium explained in its Petition to Deny,<sup>1</sup> Intelsat License, LLC (“Intelsat”) has applied for authority to launch a communications space station without explaining what it plans to do besides launch a communications space station.<sup>2</sup> That might be sufficient for some replacement space stations, but it cannot be for Galaxy 15R. Although Galaxy 15R will replace a satellite in the Intelsat fleet, it will also communicate in Ka-band spectrum that is not used by the satellite it will replace. That spectrum includes the 29.25-29.3 GHz band, which supports the feeder-link and TT&C operations of the Iridium constellation.

It is not unreasonable for Iridium, which has had its constellation in orbit for twenty years and has just launched forty next-generation satellites of its own, to expect to see at least a basic explanation of new systems with which it will share spectrum. The Commission’s rules require

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<sup>1</sup> Petition to Deny of Iridium Satellite LLC, IBFS File Nos. SAT-LOA-20170524-00078 and SAT-AMD-20170613-00086 (filed Dec. 22, 2017) (“Petition”).

<sup>2</sup> Intelsat License LLC, Application for Authority to Launch and Operate Galaxy 15R, IBFS File Nos. SAT-LOA-20170524-00078 (filed May 24, 2017), SAT-AMD-20170613-00086 (filed June 13, 2017) (together, the “Application”).

no less. And it is not unreasonable for Iridium to ask for the commonplace condition that it sought as an alternative to a denial of the Application, which would prohibit Intelsat from communicating in the 29.25-29.3 GHz band unless it coordinates successfully with Iridium as the rules require. What *would* be unreasonable is for the Commission to grant the Application notwithstanding the paucity of information it provides. And what would be *completely arbitrary* is for the Commission to grant the Application without a coordination condition for the 29.25-29.3 GHz band, given that Intelsat does not even *attempt* to explain how it expects to comply with its coordination obligation, and that Intelsat is agreeable to similar conditions in other shared or adjacent bands.

Intelsat’s opposition<sup>3</sup> only underscores why the Application must be denied—and why, at a minimum, the coordination condition sought by Iridium should be adopted.

The first question raised by Iridium’s petition is whether the Application adequately describes Intelsat’s proposed “facilities, operations and services”<sup>4</sup> and ability to “comply with all applicable rules, regulations, and policies,”<sup>5</sup> including Part 25 requirements that require new GSO FSS licensees to coordinate with existing NGSO MSS licensees.<sup>6</sup> As Iridium explained, the Application fails to provide “even basic information about the services it plans to deliver, and the facilities with which the Galaxy 15R would communicate,” and fails to “explain[] what its proposed operations will be and say[] anything about how coordination with Iridium might be

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<sup>3</sup> Response of Intelsat License LLC, IBFS File Nos. SAT-LOA-20170524-00078 and SAT-AMD-20170613-00086 (filed Jan. 12, 2018) (“Opposition”).

<sup>4</sup> 47 C.F.R. § 25.114(d).

<sup>5</sup> *Id.* § 25.156(a).

<sup>6</sup> *See id.* §§ 25.208(k), 25.258, and 25.278.

achieved.”<sup>7</sup>

Intelsat practically concedes the point. In its Opposition, Intelsat fails to quote or cite any portion of the Application that describes its planned “facilities, operations and services.” It simply states, without support, that because the Application is an Intelsat application, it should be presumed compliant.<sup>8</sup> Intelsat then attempts to excuse the Application’s lack of discussion about coordination in the 29.25-29.3 GHz band by claiming that the “rules do not require . . . that an application provide” such a showing.<sup>9</sup> But Section 25.156 of the Commission’s rules provides that an application may be granted only if the Commission finds that “the proposed facilities and operations comply with all applicable rules,”<sup>10</sup> which Intelsat admits includes the obligation to coordinate with Iridium.<sup>11</sup> While the Commission might not need a lengthy dissertation at this stage to make the finding that its rules require, it surely needs *something* more than an acknowledgement that the rules exist to make a reasoned decision on the Application. Accordingly, the Commission should enforce its rules and require Intelsat to describe its planned operations in at least *some* detail, as well as its basis for complying with its coordination obligations.

There is one understandable explanation for Intelsat’s refusal to provide any information about Galaxy 15R: it has literally no idea what it is going to do with the satellite. According to Intelsat itself, “Galaxy 15R is not expected to launch until Q2 2022”—more than four years from

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<sup>7</sup> Petition at 4.

<sup>8</sup> Opposition at 5 (“Consistent with every Intelsat application, its Galaxy 15R Application provides all information required by FCC rules.”).

<sup>9</sup> *Id.* at 6.

<sup>10</sup> 47 C.F.R. § 25.156(a).

<sup>11</sup> Opposition at 6.

now.<sup>12</sup> While it may be understandable that Intelsat does not know how it plans to use a satellite that will not launch for more than four years, that is not an excuse for Intelsat's failure to provide the Commission with required information. It merely suggests that the Commission should not grant the Application because it is premature. The Commission should wait until Intelsat is able to explain what it plans to do.

The next question before the Commission is whether, if the Commission is inclined to grant the Application, it should condition the grant on coordination with Iridium. As Iridium explained in its Petition, a condition would be particularly appropriate here. Intelsat's "threadbare description of [its] plans for the 29.25-29.3 GHz band" does not provide any assurance that co-existence will be feasible or insight on how it might occur, and Intelsat's acceptance of conditions in *other* bands that are not used by a competitor make its refusal in the 29.25-29.3 GHz band that much more suspicious.<sup>13</sup>

All Intelsat manages to say on this score is that because the Commission's rules require coordination, a license condition would be superfluous.<sup>14</sup> Intelsat does not claim that it will be harmed from the condition proposed, and fails to offer any explanation for why it singled out the 29.25-29.3 GHz band as unsuitable for a condition. As a result, Intelsat fails to provide any reason why the Commission should not extend Intelsat's favored approach in other bands to the 29.25-29.3 GHz band as well, and adopt a reasonable license condition that would protect spectrum users entitled to such protection. Indeed, given the circumstances here, a condition would provide much needed clarity for Iridium. That is especially the case in light of the

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<sup>12</sup> *Id.* at 7.

<sup>13</sup> Petition at 4-5 (explaining that "[a]lthough . . . Intelsat opposes standard-issue license conditions to protect Iridium . . . Intelsat . . . explicitly accept[s] license conditions to protect virtually *every other user* in shared or adjacent bands").

<sup>14</sup> Opposition at 6.

uncertainty created by the many years between now and Galaxy 15R's expected launch.

### CONCLUSION

Iridium's petition to deny the Application should be granted. At a minimum, the Commission should condition any grant of the Galaxy 15R's use of the 29.25-29.3 GHz band on successful coordination with Iridium.

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## CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2018, a copy of the foregoing Reply of Iridium Satellite LLC was sent by first-class, United States mail to the following:

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