

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

In the Matter of )  
 )  
Application for Launch and Operating ) File No. SAT-LOA-20130205-00016  
Authority of DIRECTV Enterprises, LLC )  
 )

**PETITION TO DENY  
OF INTELSAT LICENSE LLC**

Intelsat License LLC (“Intelsat”), pursuant to Section 25.154(a) of the Commission’s Rules,<sup>1</sup> hereby submits this petition to deny the above-referenced application of DIRECTV Enterprises, LLC (“DIRECTV”) for launch and operating authority. DIRECTV’s application must be denied because, as demonstrated below, Intelsat’s pending modification application for the Galaxy 11 satellite to operate in the Ku-band at the nominal 45.0° W.L. orbital location has first-come first-served queue priority over the DIRECTV application seeking to utilize overlapping frequencies, and the DIRECTV satellite would cause harmful interference to Galaxy 11’s operations.<sup>2</sup>

On October 18, 2012, Intelsat filed a modification application to operate the Galaxy 11 satellite at 44.8° W.L.<sup>3</sup> This application was placed on Public Notice on December 14, 2012.<sup>4</sup> No comments were filed in response to this Public Notice. Four months after Intelsat filed its

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<sup>1</sup> 47 C.F.R. § 25.154(a).

<sup>2</sup> 47 C.F.R. §25.158(b)(3)(ii).

<sup>3</sup> See *Policy Branch Information; Actions Taken*, Report No. SAT-00918, File No. SAT-MOD-20121018-00184 (Dec. 14, 2012) (Public Notice).

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

Galaxy 11 modification application, on February 5, 2013, DIRECTV filed an application to launch and operate a satellite at 45.2° W.L. using the same frequency bands with overlapping coverage area.<sup>5</sup>

The Commission's space station processing rules state that applications will be "placed in a queue and considered in the order that they were filed."<sup>6</sup> Intelsat's October 2012 application was filed before DIRECTV's application and therefore has queue priority for the Ku-band frequencies at the nominal 45.0° W.L. orbital location. As the Commission is aware, Intelsat planned to redeploy the Galaxy 11 satellite to the 44.8° W.L. orbital location following the launch of Intelsat 27.<sup>7</sup> Due to the Intelsat 27 satellite launch failure, Intelsat now plans to redeploy the Galaxy 11 satellite to 44.8° W.L. in the second half of 2015. At that time, Intelsat will launch and operate a new satellite at 55.5° W.L. (to be known as Intelsat 27R), which will release Galaxy 11 from its customer service obligations at that nominal location.<sup>8</sup> With this concrete plan for continuity of service and redeployment, the Galaxy 11 modification application is ready for grant.

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<sup>5</sup> See *Policy Branch Information; Actions Taken*, Report No. SAT-00940, File No. SAT-LOA-20130205-00016 (April 5, 2013) (Public Notice).

<sup>6</sup> 47 C.F.R. § 25.158(b); see also *Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, IB Docket Nos. 02-34, 02-54, FCC 03-102 (April 23, 2003)(adopting the first-come, first-served procedure for GSO-like satellite systems).

<sup>7</sup> See *Application of Intelsat License LLC to Modify Authorization for Galaxy 11*, File No. SAT-MOD-20121018-00184 (filed Oct. 18, 2012). The Galaxy 11 satellite was granted special temporary authority to drift from 55.5° W.L. to 55.6° W.L. and operate at that location prior to its permanent relocation to 44.8° W.L. See *Policy Branch Information; Actions Taken*, Report No. SAT-00925, File No. SAT-STA-20130102-00002 (Jan. 18, 2013).

<sup>8</sup> See Letter from Susan H. Crandall, Intelsat, to Marlene H. Dortch, FCC, File No. SAT-MS-20100628-00160 (filed March 14, 2013).

The Commission's satellite processing rules further require that a proposed satellite "not cause harmful interference to any previously licensed satellite."<sup>9</sup> DIRECTV's application to operate a co-frequency, co-coverage satellite at the nominal 45.0° W.L. orbital location creates a risk of harmful interference to Galaxy 11's operations. DIRECTV's application fails to demonstrate otherwise. Indeed, the DIRECTV application fails even to mention Galaxy 11.

Intelsat stands ready to discuss with DIRECTV a coordination agreement that could allow the operation of both Galaxy 11 and DIRECTV's proposed satellite at the nominal 45.0° W.L. orbital location. Absent such an agreement, however, and in recognition of Intelsat's priority position in the queue, the Commission should deny DIRECTV's application for launch and operating authority that seeks to use Ku-band frequencies at the nominal 45.0° W.L. orbital location.

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<sup>9</sup> 47 C.F.R. §25.158(b)(3)(ii).

Respectfully submitted,

Intelsat License LLC

By:  /s/ Susan H. Crandall

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May 6, 2013

**CERTIFICATE OF SERVICE**

I, Patricia Destajo, do hereby certify that on May 6, 2013, I served a true and correct copy of the Petition to Deny of Intelsat License LLC by first-class mail on the following:

William M. Wiltshire  
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/s/ Patricia Destajo  
Patricia Destajo