

**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

COMMENTS OF NEW SKIES SATELLITES B.V.

New Skies Satellites B.V. (“New Skies”) hereby comments on 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”). New Skies operates the NSS-806 satellite at 47.5° W.L., two and a half degrees away from the proposed Intelsat 29e location, and therefore has a clear interest in ensuring that Intelsat’s operations conform to Commission requirements. In the interests of clarity and consistency, New Skies asks the Commission to include in any grant of the Intelsat 29e Application a condition requiring Intelsat to comply with the power levels specified in the Commission’s rules unless higher power levels have been coordinated with potentially affected systems. The Commission should also request additional information regarding Intelsat’s proposed operations to permit evaluation of the impact on adjacent satellites.

Section 25.212 Power Limits: Earlier this year, Intelsat requested an explicit condition regarding compliance with Section 25.212 in the context of the Commission’s grant of a modification to the terms of market access for NSS-806.¹ Intelsat noted that as issued, the NSS-806 grant did not include typical language regarding conformance with the power limits set

¹ Request for Clarification or, Alternatively, Petition for Reconsideration of Intelsat License LLC, File No. SAT-MPL-20130906-00114 (filed Jan. 6, 2014).

forth in Section 25.212 of the Commission’s rules absent coordination.² Intelsat observed that New Skies had represented it would operate consistent with Section 25.212³ and argued that in any case, the obligation to comply with this requirement was “indisputable.”⁴ Nevertheless, Intelsat asked the Commission to incorporate additional language expressly embodying this mandate into the NSS-806 grant.⁵

In its response, New Skies consented to the supplemental language sought by Intelsat.⁶ New Skies concurred with Intelsat’s observation that the requested provision was part of the standard conditions routinely included in satellite licenses. Moreover, the requested language reflects the Commission’s fundamental two-degree spacing policy that applies to all space station authorizations granted by the Commission (even if such language were absent from the conditions).⁷

The same rationale applies here. Furthermore, as in the NSS-806 proceeding, Intelsat has expressly committed to complying with applicable power levels unless higher levels are coordinated.⁸ Accordingly, New Skies requests that any grant of the Intelsat 29e Application include a condition specifying that:

² *Id.* at 2.

³ *Id.* at 2 & n.7 (citing *New Skies Satellites B.V. Modification Application of the Permitted Space Station List for NSS-806 at 47.5° W.L.*, File No. SAT-MPL-20130906-00114, Technical Appendix at 5).

⁴ *Id.* at 1.

⁵ *Id.* at 3.

⁶ Response of New Skies Satellites B.V., File No. SAT-MPL-20130906-00114 (filed Jan. 15, 2014).

⁷ *Id.* at 1-2.

⁸ See Intelsat 29e Application, File No. SAT-AMD-20140718-00087, Engineering Statement (“Amended Engineering Statement”) at 12 (“The Intelsat 29e transmissions will be limited to those levels contained in Sections 25.212(c) and (d) and Section 25.138 of the

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.

Imposing this requirement is consistent with Commission precedent, as similar language has been included in numerous satellite authorizations.⁹

The condition regarding Section 25.212 compliance also typically includes language imposing maximum power levels that cannot be exceeded without modification of the license, and such language is appropriate here as well. Intelsat has specified maximum power levels for Intelsat 29e, apparently in anticipation that they would be included in any license grant.¹⁰ The fact that these requested maximum levels for Intelsat 29e significantly exceed those specified in the Commission's rules highlights the importance of making clear Intelsat's obligation to coordinate any operations that do not comply with Section 25.212. Imposition of the requested condition will ensure that any grant of the Intelsat 29e Application conforms to

Commission's rules, as applicable, unless higher levels are coordinated with affected adjacent satellite operators.”).

⁹ 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-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.

¹⁰ See Amended Engineering Statement at 12 (setting forth proposed maximum uplink and downlink power levels for the Intelsat 29e digital carriers).

Commission rules and policies on satellite power levels and provides an explicit statement of Intelsat's regulatory responsibilities.

Additional information under Section 25.114: New Skies notes that Section 25.114 of the Commission's rules requires applicants that request the use of the Direct Broadcast Satellite ("DBS") frequencies to provide "analyses of the proposed system with respect to the limits in Annex 1 to Appendices 30 and 30A" of the International Telecommunication Union ("ITU") Radio Regulations.¹¹ Pursuant to Annex 1, an MSPACE analysis would be required to demonstrate the compatibility of the proposed operations with other systems operating in the DBS frequencies. In this case, Intelsat requests use of the DBS frequencies but only for FSS applications.¹² The Commission should clarify whether an MSPACE analysis is required by applicants in such circumstances. If the Commission will use a different analytical framework to assess the proposed operations in the DBS bands, New Skies requests that the alternative standard be made clear to other parties.

The Commission's rules also require submission of information regarding how uplink frequency bands would be connected to downlink frequency bands,¹³ but the information provided by Intelsat does not contain sufficient detail to allow a thorough assessment of the interference potential of the system. In reviewing the Intelsat 29e application, one cannot determine which uplink and downlink frequencies will be used in, for example, User Beam 12.

¹¹ 47 C.F.R. § 25.114(d)(13)(ii).

¹² See Letter of Jennifer D. Hindin, Counsel for Intelsat License LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, filed Feb. 7, 2014 in File No. SAT-LOA-20130722-00097 at 1.

¹³ At the time the Intelsat 29e Application materials were filed, this requirement was set forth in Section 25.114(c)(4)(iii) of the Commission's rules. Pursuant to the rule revisions adopted in the Part 25 Reform proceeding (IB Docket No. 12-267), which went into effect last month, the requirement to provide uplink and downlink connectivity information is now in Section 25.114(d)(1).

Instead, Intelsat presents broad information regarding the frequencies that will be used in User Beams 1 through 12 as a combined set. New Skies requests that the Commission instruct Intelsat to supplement the Intelsat 29e Application by providing additional data to clarify which user and gateway beams will operate in which frequency bands.

For the reasons set forth herein, the Commission should include the condition discussed above in any grant of the Intelsat 29e Application and instruct Intelsat to provide additional information regarding Intelsat 29e pursuant to Commission rules.

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

Dated: October 14, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2014, a true copy of the foregoing “Comments 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
WILEY REIN LLP
1776 K Street, N.W.
Washington, DC 20006-2304

/s/ _____
Norma Herrera