

**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
)	

RESPONSE OF INTELSAT LICENSE LLC

Intelsat License LLC (“Intelsat”), by its attorneys, hereby responds to the Comments of New Skies Satellites B.V. (“New Skies”) regarding the above-referenced application to launch and operate the Intelsat 29e satellite at the 50.0° W.L. orbital location.¹ New Skies requests that the Commission’s grant of the Intelsat 29e satellite application include a condition requiring Intelsat to comply with power levels in Section 25.212 of the Commission’s rules unless higher power levels had been coordinated with potentially affected systems. New Skies also asks that Intelsat be required to submit additional technical information. Intelsat does not object to the Commission imposing a standard condition regarding maximum power levels absent International Telecommunication Union (“ITU”) coordination, *provided* the condition clarifies that “potentially affected” has the meaning set forth to establish coordination obligations under the ITU radio regulations. Intelsat has provided the technical information required under the FCC’s rules and asks the Commission to deny New Skies’ request that Intelsat supplement its application with additional information that is not required under the FCC’s rules and is more appropriately provided as part of ITU coordination negotiations.

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

Section 25.212 Power Limits

Intelsat does not object to a condition confirming the requirement to comply with Section 25.212 power levels² absent coordination with all potentially affected adjacent satellite operators within six degrees orbital separation from the Intelsat 29e satellite at 50.0° W.L. *provided* the meaning of “potentially affected” is clarified to ensure the condition cannot be misinterpreted as establishing a power ceiling in the absence of an ITU coordination obligation.

New Skies proposes a condition regarding compliance with Section 25.212 as follows:

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 25.212.³

Intelsat requests that the Commission clarify the meaning of “potentially affected” in this condition. Specifically, the Commission should add language to explain that 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.⁴ This can be done by adding the italicized language below:

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

² 47 C.F.R. § 25.212.

³ News Skies Comments at 3.

⁴ ITU Radio Regulations, Art. 9 and App. 5.

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.*

This clarifying language will ensure the U.S. authorization cannot be misinterpreted as setting a maximum power level if coordination has not been completed with satellites with lower ITU priority.

Additional information under Section 25.114

New Skies also seeks additional information about the technical parameters of the Intelsat 29e satellite, the first of Intelsat’s EPIC^{NG} platform satellites. As explained below, Intelsat has provided the information required for this satellite application under the Commission’s rules. The additional detailed information sought by New Skies is more appropriately conveyed during ITU coordination negotiations, and Intelsat continues to work with New Skies to coordinate satellite operations in the geostationary arc from 45.0° W.L. to 50.0° W.L., including the NSS-806 satellite that is currently operating at 47.5° W.L.⁵

First, New Skies requests that the Commission clarify “whether an MSPACE analysis is required by applicants” under Section 25.114(d)(13)(ii)⁶ in circumstances where—as here—the applicant seeks to use Direct Broadcast Satellite (“DBS”) frequencies solely for Fixed Satellite Service (“FSS”) applications. The FCC’s rules do not require the filing of an MSPACE analysis

⁵ *Policy Branch Information Actions Taken*, Report No. SAT-00995, DA 14-160, File No. SAT-MPL-20130906-00114 (Feb. 7, 2014) (Public Notice).

⁶ 47 C.F.R. § 25.114(d)(13)(ii).

here because Intelsat 29e does not seek to provide DBS service in these frequencies.⁷ Section 25.114(d)(13) sets forth information requirements expressly “[f]or satellite applications in the Direct Broadcast Satellite Service...”. Intelsat, in contrast, seeks to provide FSS and has provided the interference analysis necessary for FSS applications. In any event, the MSPACE analysis is available to New Skies because the ITU has already performed and published this analysis with respect to Intelsat 29e.⁸

Second, 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.”⁹ The detailed supplemental information sought by News Skies is not required to be provided under the FCC rules and is more appropriately discussed within the framework of ITU coordination.

As noted in the Engineering Statement provided with the Intelsat 29e satellite application, “[t]he Intelsat 29e frequency and polarization plan is provided in the Schedule S and represents the beam switching that Intelsat envisions implementing, at the outset, at 50° W.L.”¹⁰ On the Intelsat 29e satellite, signals from the uplink frequency beams are connected to the downlink frequency beams by means of a complex digital switch that is proprietary to the satellite

⁷ See Letter from Jennifer D. Hindin to Marlene H. Dortch, File No. SAT-LOA-20130722-00097 (filed Feb. 7, 2014).

⁸ To the extent the Commission determines Section 25.114(d)(13)(ii) applies to the Intelsat 29e application, Intelsat respectfully requests a waiver. Good cause exists for grant of the waiver given the use of the frequencies for an FSS application and because any satellite operator that would need such information may obtain it from the ITU.

⁹ New Skies Comments at 5.

¹⁰ Application to Launch and Operate Intelsat 29e, File Nos. SAT-LOA-20130722-00097 and SAT-AMD-20140718-00087, Engineering Statement at 2 (filed Jul. 22, 2013; amended Jul. 18, 2014).

manufacturer and subject to ITAR restrictions. There are no beam connectivity constraints and many thousands of re-configurable routing options are possible.¹¹ These routing combinations are so numerous that detailing them all would place an undue burden on Intelsat and would not prove beneficial to the adjacent operators of satellites of traditional design, such as the NSS-806 satellite, performing an interference analysis.

Detailed information, beyond that required by the FCC, that an operator believes is necessary for interference analysis should be addressed within the framework of ITU coordination. Within that coordination framework, the often sensitive details of a satellite's operations appropriately remain confidential between the parties rather than becoming available to the U.S. public as well as all foreign administrations, operators and competitors whose administrations may not offer such transparency reciprocally. Intelsat believes that the information supplied in Schedule S and the Engineering Statement is sufficient to support initial analysis prior to coordination, particularly for a satellite with conventional beams, such as the NSS-806 satellite that New Skies is currently seeking to coordinate with Intelsat 29e. Intelsat further notes that Intelsat and New Skies and its affiliate, SES, have been actively engaged in coordination discussions that address the NSS-806 satellite issues as part of a larger agenda encompassing all the relevant ITU filings in the geostationary arc from 45.0° W.L. to 50.0° W.L. Accordingly, the FCC should not require Intelsat to supplement its application with additional detailed technical information that is not required by the FCC's rules and more appropriately conveyed as part of coordination negotiations.

¹¹ See *In Re Spectrum Five, LLC*, 21 FCC Rcd 14023, 14034 (2006) (granting a partial waiver of the requirement to supply a complete listing of all transponders where providing such information would be burdensome and unnecessary and instead permitting the applicant to provide representative spot beam transponders).

Respectfully submitted,

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Certificate of Service

I, Pamela Conley, hereby certify that on this 29th day of October 2014, a copy of the foregoing Response of Intelsat License LLC is being sent via first class, U.S. Mail, postage paid, to the following:

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