Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Intelsat License LLC	)	File No.
	)	
Application to Launch and Operate Intelsat 33e at 60° E.L.	)	SAT-LOA-20150327-00016
	)	
	)	Call Sign: S2939

COMMENTS OF ABS GLOBAL, LTD.

ABS Global, Ltd. ("ABS") files these Comments to express its significant concerns about the above-referenced application (the "Application") of Intelsat License LLC ("Intelsat"). The Application seeks authorization to launch and operate a C/Ku/Ka-band replacement satellite, Intelsat 33e, at the 60° E.L. orbital location.[1] Intelsat intends to replace the Intelsat 904 satellite (call sign S2408), which is currently operating at 60° E.L.[2] As Intelsat is aware, there is frequency overlap between the Intelsat 33e satellite and the ABS-4 satellite, located at 61° E.L., which operates pursuant to an International Telecommunication Union ("ITU") satellite network filing of the Administration of Papua New Guinea ("PNG"), in the 13.75-13.85 GHz frequency band. Additionally, the ABS-4 has two (spacecraft) command channels that operate at the center frequencies of 14191 MHz and 14192 MHz. In light of the close (1°) orbital separation between the Intelsat 33e and ABS-4 satellites, Earth-to-space transmissions from the Intelsat 33e satellite may cause excessive levels of interference to the operations of the ABS-4 satellite. Accordingly, ABS requests that

[1] *Application of Intelsat License LLC to Launch and Operate Intelsat 33e, a Replacement Satellite with New Frequencies, at 60.0 E.L.*, File No. SAT-LOA-20150327-00016 (filed Mar. 27, 2015) ("Intelsat 33e Application), at 1.

[2] *Id.*

Intelsat's license, should it ultimately be granted by the Commission, be conditioned in such a manner that Intelsat not be permitted to commence Earth-to-space transmissions in the 13.75-13.85 GHz or in the 14190-14193 MHz frequency bands until such time as Intelsat has successfully completed coordination procedures with ABS.

In addition, ABS has plans to bring into use at 61° E.L. (and 63° E.L.) other frequency bands that are proposed to be implemented on Intelsat 33e that are under the jurisdiction of PNG, such as the 6425-6725 MHz, 11700-12200 MHz, 12500-12600 MHz, 13750-13850 MHz, 17300-17800 MHz,18300-20200 MHz and 28100-30000 MHz frequency bands. Thus, ABS also requests that Intelsat's license, should it ultimately be granted by the Commissioned, be conditioned in such a manner that Intelsat not be permitted to commence operations in the above bands until such time that Intelsat and ABS have successfully reached a mutually satisfactory coordination agreement through the administration of PNG. ABS also wishes to bring to the attention of the Commission that is currently providing comments to the administrations of the United Kingdom and PNG concerning Intelsat's ITU filings at 60° E.L.

As noted above, the ABS-4 satellite operates pursuant to an ITU satellite network filing of PNG. ABS has submitted to the ITU the Resolution 49 information and ITU notification information for the ABS-4 network at 61°E.L. ABS-4 is a geostationary mobile multimedia S-/Ku-band satellite providing direct-broadcast of digital audio and video content to mobile customers in the Arabian Peninsula.

Based upon the information contained in the Application, there is frequency overlap between ABS-4 and Intelsat 33e in the 13.75-13.85 GHz frequency band. However, in the Engineering Statement of the Application, Intelsat stated that "the ABS-4 satellite . . . does not have any shared bands with Intelsat 33e."[3] Because Intelsat believed incorrectly that there was no frequency overlap, Intelsat went on to say that "ABS-4 was not considered for

[3] Intelsat 33e Application, Engineering Statement at 6 n.4.

the interference analysis."[4] Thus, the interference analysis conducted by Intelsat in the Application is inaccurate and incomplete, as it does not show the impact of its proposed operation on the operational ABS-4 satellite, particularly in the presence of a carrier power density level of -46 dBW/Hz in the Earth-to-space direction.

Intelsat asserts that because information about the ABS-4 satellite's operations in the 13.75-13.85 GHz frequency band is not "publicly available" that such operations cannot possibly exist, and, "[a]s such, the [Application] accurately states that there is no frequency overlap."[5] ABS admits that information about the ABS-4 satellite's operations in the 13.75-13.85 GHz frequency band is not available on the ABS website – however, the information provided on the ABS website regarding the ABS-4 satellite's operations contains no language limiting such operations to the frequency bands specifically listed on the website.[6] As Intelsat is now aware, the ABS-4 satellite does have operations in the 13.75-13.85 GHz and the 14.19-14.193 MHz frequency band(s) and Intelsat's interference analysis in the Application should be corrected to reflect the existence of such operations.

It should be noted that a satellite operator provides at its own discretion the satellite characteristics that it wants prospective customers to see on its website. Such information may include the full capability of the satellite or partial capability of the satellite. For example, with respect to Intelsat's own Galaxy 3C satellite located at the nominal orbital location of 95° W.L., the Intelsat website does not specify the frequency bands of such satellite, but highlights that the satellite's C- and Ku-band beams principally cover the United

[4] *Id.*

[5] Letter from Susan H Crandall, Associate General Counsel, Intelsat Corporation, to Ms. Marlene H. Dortch, FCC, File No. SAT-LOA-20150327-00016 (May. 11, 2015) (hereinafter "Intelsat Letter") at 1.

[6] *See ABS Satellite Fleet ABS-4*, ABSSATELLITE.NET, http://www.absatellite.net/satellite-fleet/?sat=abs4 (last accessed on May 26, 2015).

States.[7] However, according to the license application for Galaxy 3C, the satellite provides service at Ku-band frequencies to South America.[8] Typically, a prospective satellite operator checks multiple available sources in order to verify the characteristics of any given satellite – not just one as is implied by Intelsat's comments.

Intelsat also claims that "the [Application's] interference analysis is complete without the inclusion of the ABS-4 satellite."[9] Intelsat bases this claim on Commission precedent which states that "any potential interference arising from operations of space stations licensed by different Administrations that are not within the scope of a grant of access to the U.S. market are appropriately addressed through the satellite coordination procedures of the [ITU] and need not be addressed in an applicant's two degree spacing interference analysis."[10]

However, Intelsat's attempt to ignore ABS-4 in its interference analysis provided in the Application runs contrary to the primary purpose of both the ITU and the Commission, which is to ensure the efficient use of scarce radiofrequency spectrum. Intelsat should not be allowed to manipulate the Commission's licensing procedures to circumvent its obligation to coordinate in good faith with other satellite networks, such as ABS-4, merely because ABS-4 is not licensed in the U.S. market; particularly since from 60° E.L. the vast majority of the visible Earth does not encompass U.S. territory. Intelsat's incomplete interference analysis is not a show of good faith, as ABS has not been provided with the data necessary to ascertain the level of interference to which ABS-4 may be subjected to by the proposed operations of

[7] *Galaxy 3C at 95º W*, INTELSAT, http://exnetapps.intelsat.com/flash/coverage-maps/sat_foot.html?sat=Galaxy%203C%20at%2095%BA%20W (last accessed on June 1, 2015).

[8] *See Application of Intelsat North America LLC for Authority to Launch and Operate Galaxy III-C*, File No. SAT-AMD-20020111-00004 (stamp grant May 29, 2002).

[9] Intelsat Letter at 2.

[10] DIRECTTV Enterprises, LLC Applications for Authorization to Launch and Operate DIRECTTV KU-45W, *Order and Authorization*, IBFS File No. SAT-LOA-20130205-00016 and SAT-AMD-2013071600094, at ¶ 9. *See also* Intelsat License LLC Applications for Modification of the Intelsat 5 Authorization, IBFS File No. SAT-MOD-20140829-00097 and SAT-MOD-20121002-00176 at ¶¶ 8-9.

Intelsat 33e.

ABS also notes that Intelsat has included an analysis of the interference effects to/from non-U.S. licensed satellites in previous satellite applications submitted to the Commission. For example, in the Intelsat 20 satellite located at 72.1° E.L.[11] and Intelsat 22 located at 68.5° E.L.[12] applications, Intelsat included non-U.S. licensed satellites in its interference analysis. In the Intelsat Letter, Intelsat states that it was not required to include ABS-4 in its two degree spacing analysis, yet Intelsat included a statement in the Intelsat 33e application as to the technical reasons for not including ABS-4.[13] This statement implicitly concedes that Intelsat intended to include the ABS-4 satellite in its interference analysis if Intelsat had not incorrectly assumed that there was no frequency overlap between the two satellites.

In addition, despite the ABS-4 satellite having not been granted U.S. market access, there is precedent for the Commission to require coordination in situations where proposed operations could result in interference to "operating, or soon to be operating" non-U.S. licensed space stations.[14] As the Commission has recognized, the United States has an international obligation to "ensure that the operations of [U.S.] space stations do not cause harmful interference to the operations of another country's radiocommunication network frequency assignments."[15]

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[11] *Application of Intelsat License LLC for Authority to Launch and Operate Intelsat 20, a Replacement Satellite with New Frequencies, at 68.5º E.L.*, File No. SAT-LOA-20111024-00208 (stamp grant July 26, 2012).

[12] *Application of Intelsat License LLC for Authority to Launch and Operate Intelsat 22, a Replacement Satellite with New Frequencies, at 72.1º E.L.*, File No. SAT-LOA-20110929-00193 (stamp grant Mar. 15, 2012).

[13] *See* Intelsat 33e Application, Engineering Statement at 6 n.4.

[14] *See* International Bureau Attachment to Grant, Intelsat Request for Further Extension of Special Temporary Authority for Galaxy 26, File No. SAT-STA-20120125-00012 (stamp grant, Feb. 3, 2012), at 1 n.1.

[15] *See 17/24 GHz Reconsideration Order*, 25 FCC Rcd at 15722, ¶ 8.

Moreover, given that Intelsat 33e is primarily designed to provide service to areas outside of U.S. territory, it would be logical for the Commission to include a provision in the Intelsat 33e license, should the Commission ultimately decide to grant such a license, that coordination with ABS be completed prior to start of Intelsat 33e operations in order to protect the users of ABS-4 and its successor satellite as well as the users of Intelsat 33e.

CONCLUSION

For the foregoing reasons, the Commission should not grant the Application to the extent that each is requesting authority for Intelsat to engage in Earth-to-space transmissions in the 13.75-13.85 GHz frequency band and operations in the 6425-6725 MHz, 11700-12200 MHz, 12500-12600 MHz, 13750-13850 MHz, 14190-14193 MHz, 17300-17800 MHz,18300-20200 MHz and 28100-30000 MHz frequency bands, until such time as ABS and Intelsat jointly inform the Commission that they have reached a mutually satisfactory coordination agreement involving Intelsat 33e and ABS-4. ABS is committed to engaging immediately in discussions with Intelsat with a view toward finding a mutually acceptable agreement with respect to the adjacent operations of these two satellites.

Respectfully submitted,

ABS Global, Ltd.

By: */s/ Arlene Kahng*

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CERTIFICATE OF SERVICE

I, Arlene Kahng, hereby certify that on this 5th day of June, 2015, I caused to be served a true copy of the foregoing "Comments of ABS Global, Ltd.," by electronic mail upon the following:

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