

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application for Authority to Launch and Operate Intelsat 15R, a Replacement Satellite with New Frequencies, at 85.0° E.L.

File No. SAT-LOA-20171027-00145

Call Sign: S3022

**RESPONSE OF INTELSAT LICENSE LLC**

Intelsat License LLC (“Intelsat”), by its attorneys, responds to the comments of Iridium Satellite LLC (“Iridium”)<sup>1</sup> and the comments of O3b Limited (“O3b”)<sup>2</sup> (collectively, the “Commenters”) regarding the above-referenced application for authority to launch and operate Intelsat 15R (call sign S3022), a replacement geostationary (“GSO”) satellite with new frequencies at 85.0° E.L. (the “Application”).<sup>3</sup> The Intelsat 15R satellite will replace Intelsat 15 (call sign S2789)<sup>4</sup> and Horizons 2 (call sign S2423)<sup>5</sup> at the 85.0° E.L. orbital location, operating on the same Ku-band frequencies as Intelsat 15 and Horizons 2, as well as on new Ku- and Ka-

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<sup>1</sup> Comments of Iridium Satellite LLC, Call Sign S3022, File No. SAT-LOA-20171027-00145 (filed May 29, 2018) (“Iridium Comments”).

<sup>2</sup> Comments of O3b Limited, Call Sign S3022, File No. SAT-LOA-20171027-00145 (filed May 29, 2018) (“O3b Comments”).

<sup>3</sup> Application of Intelsat License LLC for Authority to Launch and Operate Intelsat 15R, a Replacement Satellite with New Frequencies, at 85.0° E.L., Call Sign S3022, File No. SAT-LOA-20171027-00145 (filed Oct. 27, 2017) (“Intelsat 15R Application”).

<sup>4</sup> See *Policy Branch Information; Actions Taken, Public Notice*, Report No. SAT-00663, File No. SAT-LOA-20090410-00043 (Jan. 29, 2010). Intelsat North America changed its name to Intelsat License LLC in 2011.

<sup>5</sup> See *Policy Branch Information; Actions Taken, Public Notice*, Report No. SAT-00842, File No. SAT-MOD-20110928-00190 (Feb. 3, 2012).

band frequencies. Grant of the Application will serve the public interest by ensuring continuity of service to customers in Ku-band at the nominal 85° E.L. orbital location and by adding new Ku- and Ka-band capacity at the location.

The Commenters ask the Commission to delay grant of Intelsat's application and require Intelsat to make additional showings about its operations that are not required by the rules. Consistent with precedent and the public interest, the Commission should reject these requests. Commenters also ask the Commission to impose certain conditions on the Intelsat 15R license. Intelsat has no objection to these conditions. Accordingly, the Commission should expeditiously grant Intelsat's Application.

## **I. DISCUSSION**

### **A. Consistent With Precedent, The Commission Should Reject Commenters' Requests for Additional Filings That Are Neither Required By The Commission's Rules Nor Supported By Precedent.**

In its Application to launch and operate the Intelsat 15R satellite, Intelsat supplied all the information and technical data required by the Commission's rules. Yet the Commenters ask the Commission to impose additional filing requirements, seeking information and showings from Intelsat that are not required by the rules. The Commission should reject these requests.

O3b asserts that "Intelsat has failed to make any showing that its proposed operations in the 28.6-29.1 GHz and 18.8-19.3 GHz bands . . . are compatible with O3b's systems," and asks the Commission to dismiss the Application or suspend processing of the Application "until Intelsat demonstrates that it will not interfere with use of the [non-geostationary ("NGSO")] Primary Bands to serve U.S. territories."<sup>6</sup> O3b and SES Americom made the same request regarding the same frequency bands in their jointly filed Informal Objection to Intelsat's Galaxy

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<sup>6</sup> O3b Comments at 2-3.

15R application.<sup>7</sup> In the recent grant of that application, the Commission found that “the Commission’s rules do not require, as part of its application, a GSO system to provide a particular showing to demonstrate that its system will not interfere with existing and future NGSO systems.”<sup>8</sup> Accordingly, consistent with precedent, the Commission should reject O3b’s renewed attempt to impose filing obligations on Intelsat beyond that which is required by FCC rules, and should deny O3b’s request to suspend processing of or dismiss Intelsat’s Application.

Iridium asserts that “Intelsat proposes to use most of [the 19.4-19.6 GHz and 29.1-29.3 GHz bands] pursuant to ITU filings made by Papua New Guinea, not by the United States, but has not explained why the Commission should license the use of frequencies pursuant to Papua New Guinea filings,” and asks the Commission to “require [Intelsat] to justify the need for including those frequencies in any grant of authority by the FCC.”<sup>9</sup> Such additional justification is not necessary. In general, the Commission treats its domestic licensing process separate from the ITU filing process.<sup>10</sup> Moreover, the FCC’s rules do not prohibit the domestic licensing of

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<sup>7</sup> Informal Objection of O3b Limited and SES Americom, Inc., Call Sign S3015, File Nos. SAT-LOA-20170524-00078 and SAT-AMD-2017-0613-00086, at 2-3 (filed Jan. 5, 2018).

<sup>8</sup> Application of Intelsat License LLC for Authority Launch and Operate Galaxy 15R, a Replacement Satellite with New Frequencies, at 133.0° W.L. (227.0° E.L.), Call Sign S3015, File Nos. SAT-LOA-20170524-00078 and SAT-AMD-2017-0613-00086, Stamp Grant at Condition No. 19, n.5 (May 10, 2018) (“Galaxy 15R Grant”).

<sup>9</sup> Iridium Comments at 2 (deemphasized). Iridium also asks the Commission to “direct Intelsat to identify the notifying administration for its proposed operations in the 29.1-29.25 GHz band[.]” *Id.* The ITU filings to cover the AP30A frequencies, as well as the Ka-band frequencies not covered by the ITU filing NEW DAWN 34 of the Administration of Papua New Guinea, are currently under preparation and will be submitted to the ITU in due course. Those new filings, including frequency bands licensed to NGSO satellite systems for feeder link operations, will be coordinated with any higher priority ITU filings.

<sup>10</sup> See, e.g., *Amendment of the Commission’s Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 12674, 10870 ¶¶ 295-296 (2003) (discussing the interrelationship between the U.S. domestic licensing framework and the international coordination framework set forth in the ITU Radio Regulations); *Amendment of the Commission’s Space Station Licensing Rules and Policies*,

frequencies that operate against foreign filings. Indeed, the Commission has routinely granted satellite applications where the operator sought to operate some frequencies pursuant to a non-U.S. ITU filing.<sup>11</sup> Finally, nothing in the Commission’s rules requires applicants to “justify the need” for including such frequencies in their FCC license applications. Accordingly, the Commission should deny Iridium’s request.

**B. Intelsat Has No Objection To The Licensing Conditions Proposed By The Commenters.**

The Commenters also request that the FCC impose in the Intelsat 15R license certain conditions related to coordination with NGSO operators. Intelsat agrees to the proposed conditions of both Commenters, but vigorously disputes Iridium’s assertion that its requested condition is merited due to deficiencies in Intelsat’s Application.

O3b asks the Commission to impose a revised version of the condition imposed in the Galaxy 15R Grant that conditions Intelsat’s use of the 18.8-19.3 GHz and 28.6-29.1 GHz bands on a requirement that Intelsat either notify the Commission when required coordination agreements have been reached with NGSO FSS operators in those bands, or obtain a modification of the license that demonstrates how the NGSO FSS system will be protected, at least 60 days before the launch of such NGSO FSS systems licensed or granted market access in

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Second Order on Reconsideration, 31 FCC Rcd 9398, 9410 ¶¶ 31-32 (2016) (clarifying the separation of the FCC’s first-come, first-served licensing process from ITU priority).

<sup>11</sup> See, e.g., *Application for Authority to Launch and Operate Intelsat 37e, a C/Ku/Ka-band Replacement Satellite*, Stamp Grant, File No. SAT-LOA-20160915-00089, Condition No. 5 (June 8, 2017) (“The U.S. Administration will not object to the use of the Intelsat 37e satellite to bring into use or continue the use of the frequency assignments contained in the UKNETSAT-18W, . . . UKFSS-18W, and UKFSS-18WA . . . filings made by the United Kingdom Administration at 18.0° W.L.”).

the U.S.<sup>12</sup> O3b proposes additional language (underlined in the text below) that clarifies how the requirement applies to O3b's existing system:

At least sixty days before the scheduled initial launch of each NGSO FSS satellite system licensed or granted market access in the United States to operate in the 18.8-19.3 GHz and 28.6-29.1 GHz frequency bands, Intelsat must either: (1) notify the Commission in writing when an agreement has been reached with the NGSO satellite system operator, or (2) seek and obtain the Commission's approval of a modification of this license including detailed technical demonstrations of how Intelsat will protect the NGSO FSS satellite system. If neither condition is met, Intelsat must cease operations in the 18.8-19.3 GHz and 28.6-29.1 GHz frequency bands pursuant to this license until such time as compliance is demonstrated. Intelsat must comply with either (1) or (2) above with respect to the NGSO FSS satellite system operated by O3b Limited at least sixty days before the scheduled launch of Intelsat 15R, and must not commence operations in the 18.8-19.3 GHz and 28.6-29.1 GHz frequency bands pursuant to this license until such time as compliance is demonstrated.<sup>13</sup>

Intelsat has no objection to the condition as amended by the clarifying language suggested by O3b.

Iridium asks the Commission to condition the Intelsat 15R license on compliance with certain FCC rules regarding coordination with NGSO feeder link operators. In so doing, Iridium asserts that this standard condition "would be especially appropriate" in this case because "Intelsat does not meaningfully describe the facilities, operations, or services that it plans to deploy in this spectrum, nor its approach to coordinating with Iridium."<sup>14</sup>

Intelsat maintains that a license condition is unnecessary to require compliance with FCC rules, *particularly those that Intelsat expressly acknowledged in its application.*<sup>15</sup> However, given that Intelsat fully intends to abide by the Commission's rules, it would abide by a

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<sup>12</sup> O3b Comments at 6-7 (citing Galaxy 15R Grant at Condition 19).

<sup>13</sup> *Id.*

<sup>14</sup> Iridium Comments at 3.

<sup>15</sup> *See* Intelsat 15R Application, Legal Narrative at 4 n.10 (acknowledging Intelsat's obligation to coordinate with the incumbent MSS feeder link operator in the 29.1-29.5 GHz band).

condition requiring compliance with Sections 25.258 and 25.278 of the FCC's rules if the FCC imposes such condition in the Intelsat 15R grant. Iridium's assertion that such a condition is "especially appropriate" with respect to this Application is entirely unsupported.<sup>16</sup> In fact, this application is substantially similar to the Galaxy 15R application where the FCC rejected Iridium's similar request for additional information about Intelsat's proposed Galaxy 15R operations. The Commission "agree[d] with Intelsat that [FCC] rules already require coordination with the incumbent MSS feeder link operator, which in this case is Iridium, and further that no additional information is required other than that submitted for coordination."<sup>17</sup> The same is true for this similar application.

## **II. CONCLUSION**

For the foregoing reasons, the Commission should reject claims raised in the separate comments of O3b and Iridium that Intelsat must satisfy additional filing demands for the Intelsat 15R Application, and should deny the Commenters' requests to delay or dismiss the Application on those grounds. Intelsat urges the Commission expeditiously to grant the pending Application, consistent with Intelsat's response herein, to enable Intelsat to ensure service continuity and provide expanded services from 85.0° E.L. using the Intelsat 15R satellite.

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<sup>16</sup> Iridium Comments at 3.

<sup>17</sup> Galaxy 15R Grant at Condition No. 21, n.6.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Sara M. Baxenberg, hereby certify that on this 13th day of June, 2018, 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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