

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application for Authority to Launch and
Operate Intelsat 39, a Replacement
Satellite With New Frequencies, at 62.0°
E.L.

File No. SAT-LOA-_____

**APPLICATION FOR AUTHORITY TO LAUNCH AND OPERATE
INTELSAT 39, A REPLACEMENT SATELLITE WITH NEW FREQUENCIES,
AT 62.0° E.L.**

Intelsat License LLC (“Intelsat”), pursuant to Section 25.114 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ hereby applies to launch and operate a C/Ku-band replacement satellite with new frequencies, to be known as Intelsat 39, at the 62.0° E.L. orbital location. Intelsat 39 is anticipated to be launched in the first quarter of 2019 and, after traffic transition, will replace the Intelsat 902 (call sign S2406) satellite,² which is currently operating at 62.0° E.L.³ Intelsat 39 will operate on a non-common carrier basis.⁴

¹ 47 C.F.R. § 25.114.

² See *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01199, File No. SAT-MOD-20160816-00084 (Nov. 4, 2016).

³ After traffic transition is complete Intelsat plans to redeploy Intelsat 902.

⁴ Section 310(b) is not applicable to this license because Intelsat 39, like all other satellites licensed to Intelsat, will operate on a non-common carrier basis. See *Applications of The News Corp. Ltd. and The DIRECTV Group, Inc. (Transferors) and Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC and PEOP PAS, LLC (Transferees) for Authority to Transfer Control of PanAmSat Licensee Corp.*, Public Notice, 19 FCC Rcd 15424, 15425, n.5 (Int’l Bur. 2004).

As demonstrated below, Intelsat is legally and technically qualified to launch and operate its proposed replacement satellite with new frequencies. Moreover, grant of this application will serve the public interest by ensuring continuity of service to customers in C- and Ku-bands at the nominal 62° E.L. orbital location and by adding new Ku-band capacity at the location. In accordance with the Commission's requirements,⁵ this application has been filed electronically as an attachment to FCC Form 312 and Schedule S.

I. INTELSAT IS QUALIFIED TO HOLD THE AUTHORIZATION REQUESTED HEREIN

A. Legal Qualifications

Intelsat is legally qualified to hold the space station authorization requested in this application. The information provided in the attached Form 312 demonstrates Intelsat's compliance with the Commission's basic legal qualifications. In addition, Intelsat already holds multiple Commission satellite licenses, and its legal qualifications are a matter of record before the Commission.⁶

B. Technical Qualifications

In the attached Form 312, Schedule S, and Engineering Statement, Intelsat demonstrates that it is technically qualified to hold the authorization requested herein. Specifically, Intelsat provides the information currently required by Section 25.114 of the Commission's rules.⁷ In

⁵ 47 C.F.R. § 25.114(c).

⁶ *See Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC, and PEOP PAS, LLC, Transferors and Intelsat Holdings, Ltd., Transferee, Consolidated Application for Authority to Transfer Control of PanAmSat Licensee Corp. and PanAmSat H-2 Licensee Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 7368, 7381 ¶ 23 (2006) ("The Commission previously has determined that PanAmSat and Intelsat are qualified to hold licenses.").

⁷ 47 C.F.R. § 25.114(c).

addition, the Engineering Statement provides information demonstrating Intelsat's compliance with the Commission's orbital debris mitigation rules.⁸

C. Operational Frequencies

The following chart shows the frequencies that will be used by the Intelsat 39 satellite at 62.0° E.L. and the frequencies that are currently used by the Intelsat 902 satellite at that location.

	Intelsat 902	Intelsat 39
3625-4200 MHz	✓	✓
5850-6425 MHz	✓	✓
10700-10950 MHz		✓
10950-11200 MHz	✓	✓
11200-11450 MHz		✓
11450-11700 MHz	✓	✓
12250-12750 MHz		✓
13000-13250 MHz		✓
13750-14000 MHz		✓
14000-14500 MHz	✓	✓

All of the existing frequencies licensed on Intelsat 902 are also on Intelsat 39. In addition, Intelsat 39 contains new frequencies at 10700-10950 MHz, 11200-11450 MHz, 12250-12750 MHz, 13000-13250 MHz, and 13750-14000 MHz that are not on the Intelsat 902 satellite.

D. The Intelsat 39 Satellite Will Operate Only in Regions 1 and 3

Intelsat understands that there are U.S. restrictions on use of the 3625-3650 MHz, 5850-5925 MHz, 10700-11700 MHz, 12250-12700 MHz, and 13000-13250 MHz frequency bands in Region 2. The Intelsat 39 satellite will operate at the 62.0° E.L. orbital location, which only allows service to Regions 1 and 3. Intelsat's proposed operations in these frequency bands are consistent with the frequency allocations in Regions 1 and 3. Because Intelsat 39 will not operate

⁸ 47 C.F.R. § 25.114(d)(14). *See also Mitigation of Orbital Debris*, Second Report and Order, 19 FCC Rcd 11567 (2004).

in Region 2, the U.S. frequency restrictions and conditions in the U.S. Table of Frequency Allocations are not applicable to the requested authority.⁹ Intelsat understands that waivers of the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106, may be required for operations in Region 2 and would seek all appropriate waivers prior to any relocation of the satellite in the future.

E. Milestone and Bond Requirements

Intelsat 39 will be subject to the milestone and bond posting requirements set forth in Sections 25.164 and 25.165 of the Commission's rules because the 10700-10950 MHz, 11200-11450 MHz, 12250-12750 MHz, 13000-13250 MHz, and 13750-14000 MHz frequencies are included on Intelsat 39 but are not on the satellite it is replacing.¹⁰

II. GRANT OF THIS APPLICATION WILL SERVE THE PUBLIC INTEREST

Grant of this application is consistent with the Commission's policy regarding satellite replacements. Section 25.165(e) of the Commission's rules defines a "replacement space station" as one that is (1) "authorized to operate at an orbital location which is $\pm 0.15^\circ$ of the assigned location of a GSO space station to be replaced"; (2) "authorized to operate in the same frequency bands, and with the same coverage area as the space station to be replaced"; and (3) is "scheduled to be launched so that it will be brought into use at approximately the same time as, but no later than, the existing space station is retired."¹¹ In this case, Intelsat holds a replacement expectancy for C- and Ku-band frequencies at 62.0° E.L. orbital location because the Commission authorized Intelsat to operate Intelsat 902 at this location. Intelsat 39 will operate on the same frequencies

⁹ See Application for Authority to Launch and Operate Intelsat 33e, a Replacement Satellite With New Frequencies, SAT-LOA-20150327-00016, Legal Narrative at 7-8 (Mar. 27, 2015) (stamp grant Feb. 25, 2016). To the extent necessary, Intelsat seeks waiver of any Region 2 requirements in the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106.

¹⁰ 47 C.F.R. §§ 25.164 and 25.165.

¹¹ 47 C.F.R. § 25.165(e).

and within $\pm 0.15^\circ$ of the Intelsat 902 satellite, will have overlapping coverage of Intelsat 902's coverage area, and will be brought into use prior to retirement of the Intelsat 902 satellite.

Further, the Commission recognizes a "replacement expectancy" in orbital locations in order to protect the large investments made by satellite operators. The agency has stated,

[G]iven the huge costs of building and operating satellite space stations, there should be some assurance that operators will be able to continue to serve their customers. The Commission has therefore stated that, when the orbit location remains available for a U.S. satellite with the technical characteristics of the proposed replacement satellite, it will generally authorize the replacement satellite at the same location.¹²

Grant of this application is therefore merited, consistent with the Commission's long standing policy.

In addition, grant of this application will serve the public interest by ensuring continuity of service to consumers from the 62.0° E.L. orbital location. Intelsat stands ready to deploy a replacement satellite to the 62.0° E.L. orbital location before Intelsat 902 reaches the end of its useful life or is relocated. The Commission has stated that granting replacement applications ensures that service will be provided to consumers as efficiently as possible because the current licensee will be familiar with the service requirements and, given its experience, should be able to deploy a replacement satellite in the shortest possible time.¹³

¹² *Columbia Communications Corporation Authorization to Launch and Operate a Geostationary C-band Replacement Satellite in the Fixed-Satellite Service at 37.5° E.L.*, Memorandum Opinion and Order, 16 FCC Rcd 20176, ¶ 7 (Int'l Bur. 2001) (citing *Assignment of Orbital Locations to Space Stations in Domestic Fixed-Satellite Service*, Memorandum Opinion and Order, 3 FCC Rcd 6972, n.31 (1988) and *GE American Communications, Inc.*, Order and Authorization, 10 FCC Rcd 13775, ¶ 6 (Int'l Bur. 1995)).

¹³ *See Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, 18 FCC Rcd 11030, ¶ 83 (2003) ("Repairing or even replacing a malfunctioning satellite, for all its complexity, requires less time than designing and constructing a new system. Even in the worst case where a satellite is

Finally, the Intelsat 39 satellite will allow Intelsat to expand its service offering in the region by adding new Ku-band capacity at the location. This expansion of capacity will benefit consumers and thus serves the public interest.

III. ITU FILINGS

Intelsat 39's operations in the 3625-4200 MHz, 5850-6425 MHz, 10950-11200 MHz, and 11450-11700 MHz frequency bands have been notified under the Administration of the United States' International Telecommunication Union ("ITU") filings INTELSAT6 62E, INTELSAT7 62E, INTELSAT8 62E and INTELSAT9 62E. Intelsat 39's operations in the 14000-14500 MHz frequency band have been notified under the Administration of the United States' ITU filings INTELSAT6 62E, INTELSAT7 62E, INTELSAT8 62E and INTELSAT9 62E.

Intelsat 39's operations in the 12250-12750 MHz and 13750-14000 MHz frequency bands have been notified under the Administration of Papua New Guinea's ITU filing NEW DAWN 22. Intelsat 39's operations in the 10700-10950 MHz, 11200-11450 MHz, and 13000-13250 MHz frequency bands will operate using the Administration of Papua New Guinea's ITU filing NEW DAWN FSS-3 and will be operated in accordance with the Appendix 30B procedure of the ITU Radio Regulations. Intelsat respectfully requests that the United States Administration state its non-objection to Papua New Guinea's use of Intelsat 39 for purposes of bringing into use and maintaining the NEW DAWN 22 and NEW DAWN FSS-3 filings.

destroyed, a licensee can ordinarily replace a lost satellite with a ground spare at the next available launch window, or procure a technically identical satellite in an expedient manner since it would have already completed the complex design process.”).

IV. ITU COST RECOVERY

Intelsat is aware that processing fees are currently charged by the ITU for satellite filings, and that Commission applicants are responsible for any and all fees charged by the ITU.¹⁴ Intelsat is aware of and unconditionally accepts this requirement and responsibility to pay any ITU cost recovery fees associated with the ITU filings that the Commission makes on behalf of Intelsat for the satellite proposed in this application, as well as any ITU filings associated with any satellite system for which Intelsat may request authorization at a later date.

V. INTELSAT ACCEPTS SECTION 316 PETITION CONDITIONS

Intelsat understands and accepts that its license to operate Intelsat 39 at 62.0° E.L., with the exception of the 10700-10950 MHz, 11200-11450 MHz, 12250-12750 MHz, 13000-13250 MHz, and 13750-14000 MHz frequencies, will be conditioned as follows:

- (a) Intelsat shall remain a signatory to the Public Services Agreement between Intelsat and the International Telecommunications Satellite Organization (“ITSO”) that was approved by the ITSO Twenty-fifth Assembly of Parties, as amended.
- (b) No entity shall be considered a successor-in-interest to Intelsat under the ITSO Agreement for licensing purposes unless it has undertaken to perform the obligations of the Public Services Agreement approved by the Twenty-fifth Assembly of Parties, as amended.¹⁵

¹⁴ See *Implementation of ITU Cost Recovery Charges for Satellite Network Filings*, Public Notice, 16 FCC Rcd 18732 (2001).

¹⁵ See *Petition of the Int’l. Telecomms. Satellite Org. under Section 316 of the Commc’ns Act, as Amended*, Order of Modification, 23 FCC Rcd 2764, 2769-71 ¶¶ 11-13 (Int’l Bur. 2008).

VI. CONCLUSION

Based on the foregoing, Intelsat respectfully requests that the Commission grant this replacement satellite application with new frequencies.

Respectfully submitted,

/s/ Susan H. Crandall

Susan H. Crandall
Associate General Counsel

Cynthia J. Grady
Regulatory Counsel

Intelsat Corporation

Jennifer D. Hindin
Sara M. Baxenberg
WILEY REIN LLP
1776 K Street, N.W.
Washington, DC 20006

December 5, 2017

Exhibit A
FCC Form 312, Response to Question 34: Foreign Ownership

The Commission previously approved foreign ownership in Intelsat License LLC (“Intelsat”), in the *Intelsat-Serafina Order*.¹ In December 2009 and October 2011, the Commission also approved *pro forma* changes in Intelsat’s foreign ownership.² There have been no other material changes to Intelsat’s foreign ownership since the date of the *Intelsat-Serafina Order*.

¹ *Intelsat Holdings, Ltd. and Serafina Holdings Limited, Consolidated Application for Consent to Transfer of Control of Holders of Title II and Title III Authorizations*, Memorandum Opinion and Order, 22 FCC Rcd 22151 (2007).

² *See Intelsat North America LLC, Intelsat LLC, PanAmSat Licensee Corp., PanAmSat H-2 Licensee Corp., and Intelsat New Dawn Company, Ltd., Applications for Pro Forma Transfer of Control*, File Nos. SAT-T/C-20091125-00128, SAT-T/C-20091125-00124, SAT-T/C-20091125-00127, SAT-T/C-20091125-00125, SAT-T/C-20091125-00126, SES-T/C-20091125-01505, SES-T/C-20091125-01502, SES-T/C-20091125-01506, SES-T/C-20091125-01504 and SES-T/C-20091125-01503 (granted Dec. 3, 2009); *Intelsat Application for Pro Forma Transfer of Control*, File Nos. SAT-T/C-20110810-00160, SAT-T/C-20110811-00161, SES-T/C-20110811-00948, SES-T/C-20110812-00963 (granted Oct. 13, 2011), and 0004825139 (granted Oct. 19, 2011).

Exhibit B
FCC Form 312, Response to Question 36: Cancelled Authorizations

Intelsat License LLC (“Intelsat”) has never had an FCC license “revoked.” However, on June 26, 2000, the International Bureau “cancelled” two Ka-band satellite authorizations issued to a former Intelsat entity, PanAmSat Licensee Corp. (“PanAmSat”),¹ based on the Bureau’s finding that PanAmSat had not satisfied applicable construction milestones.² In that same order, the Bureau denied related applications to modify the cancelled authorizations. PanAmSat filed an application for review of the Bureau’s decision, which the Commission denied, and subsequently filed an appeal with the United States Court of Appeals for the District of Columbia Circuit, which was dismissed in January 2003 at PanAmSat’s request. Notwithstanding the fact that the Bureau’s action does not seem to be the kind of revocation action contemplated by question 36, Intelsat is herein making note of the decision in the interest of absolute candor and out of an abundance of caution. In any event, the Bureau’s action with respect to PanAmSat does not reflect on Intelsat’s basic qualifications, which are well-established and a matter of public record.

¹ All licenses previously held by PanAmSat Licensee Corp. have been assigned to Intelsat License LLC. See IBFS File Nos. SAT-ASG-20101203-00252 (granted Dec. 23, 2010), SES-ASG-20101203-0150 (granted Dec. 20, 2010), and SES-ASG-20101206-01502 (granted Dec. 20, 2010).

² See *PanAmSat Licensee Corp.*, Memorandum Opinion and Order, 15 FCC Rcd 18720 (Int’l Bur. 2000).

Exhibit C
FCC Form 312, Response to Question 40:
Officers, Directors, and Ten Percent or Greater Shareholders

The officers and directors/managers of Intelsat License LLC are as follows:

Officers:

Jacques Kerrest, Chairman
Franz Russ, Deputy Chairman
Michelle Bryan, Secretary
Mirjana Hervy, Director, Finance

Board of Managers:

Jacques Kerrest
Franz Russ
Michelle Bryan

The business address of all Intelsat License LLC officers and members of the Board of Managers is:
4 rue Albert Borschette
L-1246 Luxembourg

Intelsat License LLC is a Delaware limited liability company that is wholly owned by Intelsat License Holdings LLC, also a Delaware limited liability company. Intelsat License Holdings LLC is wholly owned by Intelsat Jackson Holdings S.A., a Luxembourg company. Intelsat Jackson Holdings S.A. is wholly owned by Intelsat (Luxembourg) S.A., a Luxembourg company. Intelsat (Luxembourg) S.A. is wholly owned by Intelsat Investments S.A., a Luxembourg company. Intelsat Investments S.A. is wholly owned by Intelsat Holdings S.A., a Luxembourg company. Intelsat Holdings S.A. is wholly owned by Intelsat Investment Holdings S.à r.l., a Luxembourg company. Intelsat Investment Holdings S.à r.l. is wholly owned by Intelsat S.A., a Luxembourg company. Each of these entities may be contacted at the following address: 4 rue Albert Borschette, L-1246 Luxembourg.

Intelsat S.A.'s ownership was approved by the Commission as part of the *Intelsat-Serafina Order* and the recent Intelsat Pro Forma and is incorporated by reference. *See Intelsat Holdings, Ltd. and Serafina Holdings Limited, Consolidated Application for Consent to Transfer of Control of Holders of Title II and Title III Authorizations*, Memorandum Opinion and Order, 22 FCC Rcd 22151 (2007) ("*Intelsat-Serafina Order*"); *Intelsat Application for Pro Forma Transfer of Control*, File Nos. SAT-T/C-20110810-00160, SAT-T/C-20110811-00161, SES-T/C-20110811-00948, SES-T/C-20110812-00963 (granted Oct. 13, 2011), and 0004825139 (granted Oct. 19, 2011) ("*Intelsat Pro Forma*"). On May 16, 2012, the International Bureau granted an application to transfer control of Intelsat pursuant to a public offering of newly issued voting shares by Intelsat, subsequent voting share sales by current shareholders and possible private placements of newly issued voting shares. *In the Matter of Intelsat Global Holdings, S.A., Applications to Transfer Control of Intelsat Licenses and Authorizations from BC Partners Holdings Limited to Public Ownership*, Order, 27 FCC Rcd 5226 (Int'l Bur. 2012). This change of control has not yet been fully consummated.