

July 27, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E. Suite 110
Washington, D.C. 20002

Re: Intelsat LLC Request for Extension of Launch Milestone Date for IA-8; Call Sign S2160; File No. SAT-MOD-20030507-00097

Dear Ms. Dortch:

Intelsat North America LLC ("Intelsat"), pursuant to Section 25.117(e) of the Federal Communications Commission's ("Commission" or "FCC") rules, hereby requests an extension of the launch milestone date for the Intelsat Americas (IA-8) satellite (formerly known as Telstar-8).¹ Specifically, Intelsat requests that the current milestone be extended for six months until March 30, 2005. As verified below, this request for an extension of the launch milestone is necessary due to unforeseeable circumstances beyond Intelsat's control. In addition, grant of the requested extension would serve the public interest.

The Commission originally authorized Loral SpaceCom Corporation ("Loral") to launch and operate the former Telstar-8 satellite.² On October 27, 2003, the International Bureau issued an order granting Loral extensions of both the construction and launch milestone dates for the satellite.³ The satellite's current launch milestone is September 30, 2004.⁴ On March 17, 2004,

¹ Intelsat has filed this request and an FCC Form 312 electronically via the International Bureau's Filing System. Intelsat has sent an FCC Form 159 with fee code "CRY" and a check in the amount of \$705.00 to Mellon Bank in Pittsburgh.

² *Loral Space & Communications Ltd.*, Memorandum Opinion and Order, 11 FCC Rcd 20441 (Int'l Bur. 1996).

³ *Loral SpaceCom Corporation, Debtor-in-Possession, Application for Modification of Fixed Satellite Service Space Station Authorization Telstar 8, Request for Extension of Milestones and Waiver or Petition for Reconsideration*, Memorandum Opinion and Order, 18 FCC Rcd 21851 (Int'l Bur. 2003).

⁴ *Id.* at para. 14.

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Intelsat acquired the Telstar 8 satellite from Loral and renamed it Intelsat Americas 8 (IA-8).⁵ As discussed below, good cause exists to extend the IA-8 launch milestone until March 30, 2005.

Intelsat is fully committed to launching and operating the IA-8 satellite. Construction of the satellite is complete.⁶ However, due to unexpected problems beyond Intelsat's control recently encountered by Sea Launch Company, LLC ("Sea Launch"), which is the launch provider for IA-8, the satellite's launch has been delayed for some time and will not occur by the current September 30, 2004 launch milestone.

On June 29, 2004 (GMT), a Sea Launch Zenit-3SL launch vehicle lifted off from the company's equatorial launch site carrying Loral's Telstar-18 communications satellite.⁷ The upper stage of the launch vehicle, however, shut down about 54 seconds early, which caused the satellite to be released into an orbit approximately 14,000 km short of the 35,786 km target apogee.⁸ The cause of the premature shutdown of the upper stage is under investigation by Sea Launch.⁹ Until that investigation has been completed, Sea Launch has temporarily halted launches aboard the Zenit-3SL rocket, including the launch of IA-8. Although Sea Launch has indicated that it currently expects to complete the IA-8 launch this year, and has indicated a tentative launch date of 31 October 2004, the actual launch date will depend on the results of the Telstar-18 anomaly investigation, including clear determination of the root cause of the anomaly as well as the implementation of the appropriate corrective actions. The anomaly investigation has just been initiated by Sea Launch and Intelsat cannot predict how long this process will take.

⁵ See Letter from Jennifer D. Hindin, Counsel to Intelsat North America LLC, to Marlene H. Dortch, Secretary, FCC, Notification of Consummation of Assignment of Licenses and Notification of New Space Station Names (dated Mar. 30, 2004).

⁶ See Letter of Jennifer D. Hindin, Counsel to Intelsat North America LLC, to Marlene H. Dortch, Secretary, FCC, Notification of Completion of Construction Milestone for Intelsat Americas 8 (IA-8) (dated July 26, 2004).

⁷ Boeing News Release, Sea Launch Investigates Results of Telstar 18 Mission (dated July 2, 2004), available at http://www.boeing.com/news/releases/2004/q3/nr_040702m.html; See also Loral News Release, Loral-Built Telstar 18 Satellite Launched ("*Boeing News Release*"); Satellite to Achieve Its Specified Life (dated June 29, 2004), available at <http://www.loral.com/inthenews/040629.html>.

⁸ *Boeing News Release.*

⁹ *Id.*

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For these reasons, Intelsat seeks a six-month extension to account for a possible further slip in the launch schedule.

Because this problem concerning the IA-8's launch vehicle was clearly outside of Intelsat's control, the six-month launch milestone extension sought herein is warranted.¹⁰ As noted above, the satellite is complete and Intelsat was prepared to launch it in August until the launch vehicle problem described above occurred with respect to the Telstar-18 launch. Thus, this request does not raise a warehousing concern.¹¹

For the reasons stated above, Intelsat LLC respectfully requests that the Commission extend the launch milestone for the IA-8 satellite until March 30, 2005. Should the Commission staff have any questions concerning this request, please contact Jennifer D. Hindin of Wiley Rein & Fielding LLP at (202) 719-4975.

Respectfully submitted,

By: /s/ Patrick J. Cerra
Patrick J. Cerra
Vice President
Intelsat North America LLC

¹⁰ 47 C.F.R. 25.117(e). The Commission has granted requests for milestone extensions "when the delay in implementation is due to circumstances beyond the control of the licensee." *American Telephone and Telegraph Company Application for Modification of Construction Permit and License for the Telstar 402 Satellite*, 9 FCC Rcd 2607, 2607 (1994) (Order and Authorization); See *GE American Communications, Inc. Request for Extension of Time to Construct, Launch, and Operate a Ka-band Satellite System in the Fixed-Satellite Service*, 16 FCC Rcd 11038 (2001) (Order and Authorization) ("In every instance where the Commission has denied a milestone extension request, construction of the satellite either had not begun or was not continuing, thus raising questions regarding the licensee's intention to proceed.").

¹¹ The Commission's policy of requiring adherence to the milestone schedule is intended to prevent orbital locations from being 'warehoused' by licensees while they decide whether to proceed with their plans. *Application of GE American Communications, Inc. For Orbital Reassignment and for Modification of Authorization to Construct and Launch the Satcom H-1 Domestic Fixed Satellite*, 7 FCC Rcd 5169, 5170 (1992) (Memorandum Opinion and Order).