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March 27, 2006

RECEIVED

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Federal Communications Commission
Office of Secretary

Received

MAR 29 2006

Policy Branch

Re: ICO Satellite Services, G.P, Application for Modification, File No. SAT-MOD-20050926-00182

Dear Ms. Dortch:

Intelsat North America LLC ("Intelsat"), by its counsel, files this letter in response¹ to the above-referenced request of ICO Satellite Services, G.P. ("ICO") for waiver of Section 25.202(g) of the rules of the Federal Communications Commission ("FCC" or "Commission") to permit ICO's use of C-band frequencies for telemetry, tracking and command ("TT&C") operations during transit to 93° W.L. following launch of its proposed geostationary satellite orbit ("GSO") satellite and in the event of emergencies involving temporary or permanent failure of ICO's Ka-band TT&C sub-system.²

First, Intelsat assumes that, consistent with the Commission's first-come, first-served procedures, the International Bureau will find that the C-band frequencies requested by ICO are not available for assignment. Intelsat already holds a license from the Commission to operate, and is operating, IA-6 at 93° W.L. using the same C-band frequencies requested by ICO.³ In the Commission's *Satellite Licensing Streamlining Order*, the FCC determined that "a first-come, first-served procedure is the best option available for GSO-like satellite systems, *i.e.*, satellite systems where the earth station antennas accessing the satellites in that system can exclude

¹ To the extent necessary, Intelsat requests leave to file these comments later than thirty days after the date of public notice announcing ICO's application. 47 C.F.R. §25.154(b) (allowing the Commission to consider a late-filed pleading as an informal objection). To the extent that leave is not granted, Intelsat respectfully requests consideration of this letter under Section 1.41. 47 C.F.R. §1.41. Consistent with Section 1.1208 of the FCC's rules governing restricted proceedings, a copy of this letter has been served on ICO and ManSat. 47 C.F.R. §1.1208, Note 1, Example 1.

² Policy Branch Information, *Satellite Space Station Applications Accepted for Filing*, Report No. SAT-00325 (Oct. 21, 2005)(Public Notice).

³ *In the Matter of Loral Satellite, Inc. (Debtor-in-Possession) and Loral SpaceCom Corporation (Debtor-in-Possession), Assignors and Intelsat North America, LLC, Assignee; Applications for Consent to Assignments of Space Station Authorizations and Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended, Order and Authorization*, 19 FCC Rcd 2404 (2004).

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transmissions from satellites other than the one at which it is directly pointed.”⁴ The FCC gives as an example the operation of MSS feeder links in FSS bands. Similarly, ICO proposes to provide TT&C using directional antennas in the conventional C-band, which is a prime FSS band and thus would be licensed under the GSO-like first-come, first-served procedure. Under this procedure, the FCC will “deny applications that conflict with previously granted applications.”⁵ As such, because ICO’s proposed use of the C-band frequencies will cause harmful interference to Intelsat’s previously licensed operations, the Commission should deny ICO’s request to use C-band frequencies under Section 25.158(b)(3).⁶

Second, even if the frequencies were available for licensing, ICO has not coordinated its use of C-band frequencies for TT&C with Intelsat’s previously licensed operations. The Commission has held that waivers of Section 25.202(g), which requires TT&C operations to be conducted at the edge of the allocated service band, are not warranted unless the applicant has coordinated use of the non-service band frequencies with affected parties.⁷ Thus, until ICO has completed coordination of its C-band frequencies, its waiver request cannot be granted.

In good faith, Intelsat has discussed with ICO its use of C-band frequencies at 93° W.L. Simply stated, however, co-frequency, co-coverage coordination, for collocated satellites, likely cannot be achieved between Intelsat’s operational IA-6 and ICO’s proposed GSO satellite.⁸ Furthermore, the United States on behalf of Intelsat, and not the United Kingdom on behalf of ICO, holds ITU priority for use of these C-band frequencies at 93° W.L. As a result, and consistent with past precedent, the Commission should deny ICO’s request for waiver of Section 25.202(g).

⁴ *Amendment of the Commission’s Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 02-34, 18 FCC Rcd 10,760, para. 71 (2003) (“*Satellite Licensing Streamlining Order*”).

⁵ *Satellite Licensing Streamlining Order*, 18 FCC Rcd at para. 113.

⁶ 47 C.F.R. §25.158(b)(3)(ii) (“The [GSO-like] application will be granted only if... (ii) [t]he proposed satellites will not cause harmful interference to any previously licensed operations.”).

⁷ 47 C.F.R. §25.202(g) (“Telemetry, tracking and telecommand functions for U.S. domestic satellites shall be conducted at either or both edges of the allocation band(s).”).

⁸ IA-6 is linearly polarized. Intelsat assumes that in an emergency situation, ICO would resort to circular polarization, which would negatively affect both linear pols of IA-6. Moreover, Intelsat notes that should ICO have to resort to C-band TT&C as a result of a permanent failure of its Ka-band TT&C payload on the satellite, the “emergency” TT&C operations become “permanent” ones.

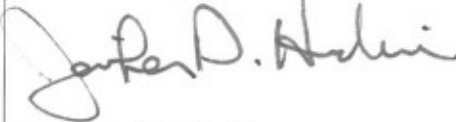
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Accordingly, consistent with the FCC's spectrum assignment rules, the Commission should dismiss, or deny, ICO's modification application to the extent it seeks to use C-band frequencies at 93° W.L. Please contact Susan Crandall at (202) 944-7848 or the undersigned with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer D. Hindin". The signature is written in a cursive style with a large initial "J".

Jennifer D. Hindin

Attachment: Certificate of Service

CERTIFICATE OF SERVICE

I, Christopher E. Ryan, do hereby certify that on March 27, 2006 I served a copy of the aforementioned **Letter of Intelsat North America, LLC in Response to the Application of ICO Satellite Services G.P, File No. SAT-MOD-20050926-00182 (filed Sept. 26, 2006)** upon the following parties by U.S. first-class mail, postage pre-paid, and by electronic mail delivery:

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Christopher E. Ryan

Job Status: SUCCESS

Job Status Details:

Job Information

Device name: XRX_DC490_11E
System date: 03/27/06
System time: 05:32 PM
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Submission time: 05:32 PM

Scan Settings

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Sharpness: 0

Image Size
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Template Information

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Description: DCS Default Template

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Status
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NDS name context:
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Attributes
Policy: NEW_AUTO_GENERATE