

S2704 SAT-MOD-20080725-00150 IB2008001830
 PanAmSat Licensee Corp.
 INTELSAT 5

Approved by OMB
 3060-0678

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Call Sign: S2704

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM	FCC Use Only
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
 Modification To Relocate Intelsat 5 to 169 E.L. (S2704)

1-8. Legal Name of Applicant

Name:	PanAmSat Licensee Corp.	Phone Number:	202-944-7848
DBA Name:		Fax Number:	202-944-7870
Street:	c/o Intelsat Corporation 3400 International Drive, N.W.	E-Mail:	susan.crandall@intelsat.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20008 -3006
Attention:	Susan H. Crandall		



File # SAT-MOD-20080725-00150
 Call Sign S2704 Grant Date 10/17/08
 (or other identifier) Term Dates
 From _____ To: _____
 Approved: [Signature]

ATTACHMENT

File Nos. SAT-MOD-20080725-00150 and SAT-STA-20081016-00205

Call Sign: S2704

October 17, 2008

PanAmSat Licensee Corp.'s (PanAmSat) modification request, IBFS File No. SAT-MOD-20080725-00150, to relocate the Intelsat 5 satellite (Call Sign: S2704) from the 26.15° E.L. orbital location to the 169° E.L. orbital location, and to operate Intelsat 5 at the 169° E.L. orbital location, is granted. PanAmSat is authorized to operate the Intelsat 5 space station in the fixed-satellite service (FSS) using the 5925-6425 MHz (Earth-to-space), 3700-4200 MHz (space-to-Earth), 14.0-14.25 GHz (Earth-to-space), 12.75-13.25 GHz (Earth-to-space), 10.7-10.95 GHz (space-to-Earth), and 11.2-11.45 GHz (space-to-Earth), 11.45-11.7 GHz (space-to-Earth) frequency bands at the 169° E.L. orbital location, in accordance with the terms, conditions, and technical specifications set forth in its application, this Attachment, and the Federal Communications Commission's Rules, and subject to the following conditions:

1. PanAmSat's operations in the 12.75-13.25 GHz (Earth-to-space), 10.7-10.95 GHz (space-to-Earth), and 11.2-11.45 GHz (space-to-Earth) frequency bands at the 169° E.L. orbital location shall be on a non-harmful interference basis, meaning that PanAmSat shall not cause harmful interference to, and shall not claim protection from interference caused to it, by any other lawfully operating radiocommunication services. In the event that any harmful interference does occur, PanAmSat shall cease operations immediately upon notification of such interference and shall inform the FCC in writing immediately of such an event.

2. PanAmSat shall prepare any necessary submissions to the ITU (International Telecommunications Union) for the completion of the appropriate notification obligations for the 12.75-13.25 GHz (Earth-to-space), 10.7-10.95 GHz (space-to-Earth), and 11.2-11.45 GHz (space-to-Earth) frequency assignments at the 169° E.L. orbital location in accordance with the ITU Radio Regulations, indicating that PanAmSat's operations are consistent with Article 4.4 of the ITU Radio Regulations.

3. PanAmSat's requests for waivers of footnote NG104 of the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, and of footnote 2 of Section 25.202(a)(1) of the Commission's Rules, 47 C.F.R. § 25.202(a)(1), in order to provide domestic service using earth stations that receive in the 11.45-11.7 GHz (space-to-Earth) band are granted as conditioned. We find that waiver of these rules would not undermine their purpose because the waiver involves only passive receive-only earth stations that are not capable of causing interference into fixed stations operating in the same frequency band. Furthermore, because PanAmSat has agreed to accept any level of interference from fixed stations into its receive-only earth stations' operations in the extended Ku-band, fixed service operators would not be required to coordinate their station operations with PanAmSat's receive-only earth stations' operations. Under these circumstances, we determine that an additional coordination burden is not placed upon fixed service operators and their ability to expand service in the future is not restricted in any manner. Grant as conditioned here is consistent with prior Commission precedent.¹

¹ On a number of occasions, the Commission has previously authorized downlink of domestic service to customer receive-only earth stations in the 11.45-11.7 GHz band (as well as in the similarly-restricted 10.95-11.2 GHz frequency band not requested in this application). PanAmSat Licensee Corp. Modification

- a. PanAmSat shall operate its earth stations in the 11.45-11.7 GHz band providing domestic service on an unprotected, non-harmful interference basis relative to fixed service stations, meaning that PanAmSat may not cause harmful interference to, or claim protection from, fixed service stations to which frequencies in the 11.45-11.7 GHz band have either already been assigned, or to which frequencies in the 11.45-11.7 GHz band may be assigned at a later date.
- b. PanAmSat is required to inform its customers, in writing, including end-users receiving service from resellers accessing capacity on the Intelsat 5 satellite, that the service in the 11.45-11.7 GHz band with regard to domestic service is being provided on an uncoordinated basis, and that the potential exists that future-licensed fixed service stations may cause harmful interference to these unprotected earth stations.

4. Pursuant to Section 25.111(b) of the Commission's rules, 47 C.F.R. § 25.111(b), PanAmSat shall provide the Commission with all information it requires for the Advance Publication, Coordination and Notification of frequency assignments for a satellite that utilizes the 11.45-11.7 GHz band at the 169° E.L. orbital location in accordance with the ITU Radio Regulations. PanAmSat shall be held responsible for all cost recovery fees associated with these ITU filings. We also note that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination and notification procedures are timely completed, or, with respect to individual administrations, coordination agreements are successfully completed. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination or obtain the agreement of other Administrations.

5. In connection with the provision of service in any particular country, PanAmSat is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of that country.

6. IBFS File No. SAT-STA-20081016-00205 is DISSMISSED as moot.

7. PanAmSat is afforded 30 days from the date of release of this action to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

8. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for

of License for Galaxy 3C, Satellite Policy Branch Information Actions Taken, *Public Notice*, DA 06-2121 (Oct. 27, 2006) (granting IBFS File No. SAT-MOD-20060303-00019); PanAmSat Licensee Corp. Application for Authority to Use the Extended Ku-Band Frequencies for Domestic Service, *Order and Authorization*, 20 FCC Rcd 14642 (Sat. Div., Int'l Bur. 2005); EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 83° W.L. Orbital Location, *Order and Authorization*, 20 FCC Rcd 919, 921-22 (para. 9) (Sat. Div., Int'l Bur. 2004); EchoStar Satellite LLC Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 109° W.L. Orbital Location, *Order and Authorization*, 20 FCC Rcd 930 (Sat. Div., Int'l Bur. 2004); EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 121° W.L. Orbital Location, *Order and Authorization*, 20 FCC Rcd 942 (Sat. Div., Int'l Bur. 2004).

reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.



File # SAT-MOD-20080725-00150

Call Sign S2704 Grant Date 10/17/08
(or other identifier)

Term Dates

From _____ To: _____

Approved: *[Signature]*

9-16. Name of Contact Representative

Name: Susan H. Crandall **Phone Number:** 202-944-7848
Company: c/o Intelsat Corporation **Fax Number:** 202-944-7870
Street: 3400 International Drive, N.W. **E-Mail:** susan.crandall@intelsat.com
City: Washington **State:** DC
Country: USA **Zipcode:** 20008-3006
Attention: Susan H. Crandall **Relationship:** Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a1. Earth Station
- a2. Space Station

- (N/A) b1. Application for License of New Station
- (N/A) b2. Application for Registration of New Domestic Receive-Only Station
- b3. Amendment to a Pending Application
- b4. Modification of License or Registration
- b5. Assignment of License or Registration
- b6. Transfer of Control of License or Registration
- b7. Notification of Minor Modification
- (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
- (N/A) b10. Other (Please specify)
- (N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States
- (N/A) b12. Application for Database Entry
- b13. Amendment to a Pending Database Entry Application
- b14. Modification of Database Entry

<p>17c. Is a fee submitted with this application? <input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114). <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input type="radio"/> Other (please explain):</p>	
<p>17d. Fee Classification BFY – Space Station Modification (Geostationary)</p>	
<p>18. If this filing is in reference to an existing station, enter: (a) Call sign of station: S2704</p>	<p>19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number: (a) Date pending application was filed: (b) File number: SATMOD2006101800123</p>

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify)

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier
- Non-Common Carrier

22. If earth station applicant, check all that apply.

- Using U.S. licensed satellites
- Using Non-U.S. licensed satellites

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

- Connected to a Public Switched Network
- Not connected to a Public Switched Network
- N/A

24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz)
- b. Ku-Band (12/14 GHz)
- c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: _____ Frequency Upper: _____ (Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- a. Fixed Earth Station
- b. Temporary-Fixed Earth Station
- c. 12/14 GHz VSAT Network
- d. Mobile Earth Station
- e. Geostationary Space Station
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive
- Transmit-Only
- Receive-Only
- N/A

"For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a — authorization to add new emission designator and related service
- b — authorization to change emission designator and related service
- c — authorization to increase EIRP and EIRP density
- d — authorization to replace antenna
- e — authorization to add antenna
- f — authorization to relocate fixed station
- g — authorization to change frequency(ies)
- h — authorization to add frequency
- i — authorization to add Points of Communication (satellites & countries)
- j — authorization to change Points of Communication (satellites & countries)
- k — authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l — authorization to change orbit location
- m — authorization to perform fleet management
- n — authorization to extend milestones
- o — Other (Please specify)

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

Yes No

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?

Yes No

30. Is the applicant an alien or the representative of an alien?

Yes No N/A

31. Is the applicant a corporation organized under the laws of any foreign government?

Yes No N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

<p>33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/></p>
<p>34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.</p>	

BASIC QUALIFICATIONS

<p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p>Technical Exhibit</p>
<p>36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/></p>

<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<input type="radio"/> Yes	<input checked="" type="radio"/> No
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<input type="radio"/> Yes	<input checked="" type="radio"/> No
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<input type="radio"/> Yes	<input checked="" type="radio"/> No
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p>		

<p>41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; party to the application; for these purposes.</p>	<p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p>
<p>42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.</p>	<p style="text-align: right;">Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?</p>	
<p>43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>PanAmSat Licensee Corp. requests modification of its license for Intelsat 5 to relocate the satellite from 26.15 E.L. to 169 E.L. PanAmSat plans to start the relocation of Intelsat 5 satellite October 1, 2008 and have the satellite at the new location in early 2009.</p> </div> <p>Narrative & Exhibits</p>	

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.