

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat North America LLC

Application to Modify Authorization for
Intelsat 709 (S2396)

File No. SAT-MOD- _____

**APPLICATION OF INTELSAT NORTH AMERICA LLC
TO MODIFY AUTHORIZATION FOR INTELSAT 709**

Intelsat North America LLC (“Intelsat”), pursuant to Section 25.117 of the rules of the Federal Communications Commission (“Commission” or “FCC”), 47 C.F.R. § 25.117, hereby seeks to modify the authorization for the Intelsat 709 satellite (call sign S2396). Specifically, this modification seeks permanent authority to relocate Intelsat 709 to, and to operate the satellite at, 54.85° E.L. in order to provide C- and Ku-band capacity in the Indian Ocean region.¹

In accordance with the requirements of the Commission’s rules,² this application has been filed electronically as an attachment to FCC Form 312. Intelsat provides the technical information relating to the proposed modification on Schedule S and in narrative form, as contained in the attached Engineering Statement, pursuant to Section 25.114 of the Commission’s rules.³ Intelsat assumes that all conditions specified in the

¹ Intelsat 709 also has the capability to transmit in the 11700-11950 MHz frequency band. Because this frequency band will not be utilized from the proposed orbital location, however, Intelsat is not herein seeking authority to operate in the band.

² 47 C.F.R. § 25.117(c).

³ 47 C.F.R. § 25.114.

*Intelsat 316 Order of Modification*⁴ will cease to apply to the requested authorization for the Intelsat 709 satellite to use the 54.85° E.L. orbital location and associated frequencies, which are not associated with ITU filings transferred to the United States as part of Intelsat's privatization.

I. PROPOSED MODIFICATION

By this modification, Intelsat requests authority to relocate Intelsat 709 to, and operate the satellite at, 54.85° E.L. Intelsat 709 is currently licensed to operate at 85.15° E.L.⁵ Following the successful launch of Intelsat 15, which is currently scheduled for November 29, 2009, and receipt of Commission approval, Intelsat intends to commence relocating Intelsat 709 to 54.85° E.L. in early April 2010 and begin operating the satellite at that location shortly thereafter pursuant to the ITU filings of the Administration of India. During the drift of Intelsat 709 from 85.15° E.L. to 54.85° E.L., Intelsat will utilize only the satellite's TT&C frequencies.

II. PUBLIC INTEREST SHOWING

Grant of this modification application will serve the public interest by enabling Intelsat to further maximize the efficient use of its satellite fleet while ensuring continuity of services to customers, including U.S. Government customers, in the Indian Ocean

⁴ See *Petition of the International Telecommunications Satellite Organization under Section 316 of the Communications Act, as amended, IB 06-137, File No. SAT-MSC - 20060710-00076, Order of Modification, 23 FCC Rcd 2764, 2770-71 (Int'l Bur. 2008).*

⁵ See *Applications of Intelsat LLC for Authority to Operate and Further Construct, Launch, and Operate C-Band and Ku-Band Satellites that Form a Global Communications System in Geostationary Orbit*, 15 FCC Rcd 15460, at Appendix A, Table 1 (2000) (Memorandum Opinion and Order and Authorization), *recon. denied*, 15 FCC Rcd 25234 (2000) (Order on Reconsideration); *Intelsat North Am., LLC; Application to Modify License for the INTELSAT 709 satellite to include Fixed-Satellite Serv. in the 11.7-11.95 GHz Frequency Band*, Order, 22 FCC Rcd 11,989 (2007).

region. At 54.85° E.L., Intelsat 709 will be replacing Intelsat 706, which currently operates at 54.85° E.L. pursuant to the ITU filings of the Indian Administration.⁶ Intelsat's current agreement with the Indian Administration allows Intelsat to operate a satellite at 54.85° E.L. through December 5, 2009. Intelsat expects shortly to extend that agreement and plans to supplement this application with a copy of the extension agreement. Once traffic has been transferred from Intelsat 706 to Intelsat 709, Intelsat 706 will be relocated.⁷

Moreover, grant of this modification application will not result in increased risk of harmful interference. As noted above, Intelsat has been operating Intelsat 706 at 54.85° E.L. and prior to that operated Intelsat 702 at that location for several years beginning in 2004. Throughout this time, Intelsat has not received a single interference complaint. Intelsat will operate Intelsat 709 at 54.85° E.L. in accordance with India's existing coordination agreements regarding the location and the FCC's rules governing operations at the nominal 55.0° E.L. location vis-à-vis adjacent locations. In particular, Intelsat agrees to operate Intelsat 709 under the same non-interference and other conditions imposed on the operation of the Intelsat 702 and Intelsat 706 satellites at the 54.85° E.L. location.⁸

⁶ See *Intelsat North America LLC, Application to Modify Authorization for Intelsat 706*, File No. SAT-MOD-20081124-00218 (stamp grant issued Mar. 20, 2009 by Stephen J. Duall, with conditions); *Policy Branch Information; Actions Taken*, Report No. SAT-00632, File No. SAT-STA-20090807-00082 (Sept. 11, 2009) (Public Notice); *Policy Branch Information; Actions Taken*, Report No. SAT-00638, File No. SAT-STA-20090929-00100 (Oct. 9, 2009) (Public Notice)..

⁷ Intelsat will file a future application for authority to relocate the Intelsat 706 satellite.

⁸ Intelsat LLC; Amendment to Application to Modify Space Station Authorization to Operate the INTELSAT 702 Satellite at 54.85° E.L., File Nos. SAT-AMD-20031118-00331, SAT-AMD-20040310-00029, SAT-AMD-20021127-00239, and SAT-MOD-

III. WAIVERS

As described in the attached Engineering Statement, Intelsat requests that, to the extent necessary, the Part 25 waivers originally granted to the Intelsat 709 spacecraft continue to apply at the 54.85° E.L. location, namely, the waivers of Sections 25.202(g), 25.210(a)(1), 25.210(a)(3), 25.210(i)(1) and 25.211(a) of the Commission's rules.⁹

IV. CONCLUSION

For the reasons set forth above, Intelsat respectfully requests that the Commission grant this modification application.

Respectfully submitted,

Intelsat North America LLC

By: /s/ Susan H. Crandall

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20020923-00177 (stamp grant with conditions issued Mar. 19, 2004) (“Intelsat 54.85° EL Conditional Grant”); *Policy Branch Info.; Actions Taken*, Rept. No. SAT-00595, DA 09-815 (Apr. 10, 2009) (grant for Intelsat 706, File No. SAT-MOD-20081124-00218 (stamp grant of Mar. 20, 2009)).

⁹ See *Applications of Intelsat LLC for Authority to Operate and Further Construct, Launch, and Operate C-Band and Ku-Band Satellites that Form a Global Communications System in Geostationary Orbit*, 15 FCC Rcd 15460, 15529 (Appendix C) (2000) (Memorandum Opinion and Order and Authorization), *recon. denied*, 15 FCC Rcd 25234 (2000) (Order on Reconsideration).

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

The Commission previously approved the foreign ownership in Intelsat North America LLC (“Intelsat”). *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 22,151 (2007) (“Intelsat-Serafina Order”)*. There have been no material changes to the foreign ownership since the date of the *Intelsat-Serafina Order*.

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

Intelsat North America 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 PanAmSat Licensee Corp. (“PanAmSat”), a sister company of Intelsat North America LLC, based on the Bureau’s finding that PanAmSat had not satisfied applicable construction milestones. *See* PanAmSat Licensee Corp., Memorandum Opinion and Order, DA 00-1266, 15 FCC Rcd 18720 (IB 2000). 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 either PanAmSat’s or Intelsat’s basic qualifications, which are well-established and a matter of public record.

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

Following are the officers of Intelsat North America LLC:

Michael McDonnell, Chairman
Andrew Stimson, Deputy Chairman
Phillip Spector, Secretary
Simon Van De Weg, Director, Finance

Following are the members of the Board of Managers of Intelsat North America LLC:

Michael McDonnell
Andrew Stimson
Phillip Spector

The address of all Intelsat North America LLC officers and members of the Board of Managers is:

Wellesley House North, 2nd Floor
90 Pitts Bay Road
Pembroke, HM 08
Bermuda

Intelsat North America LLC is wholly owned by Intelsat LLC, a Delaware limited liability company. Intelsat LLC is wholly owned by Intelsat Holdings LLC, a Delaware limited liability company. Intelsat Holdings LLC is wholly owned by Intelsat Subsidiary Holding Company, Ltd., a Bermuda company. Intelsat Subsidiary Holding Company, Ltd. is wholly owned by Intelsat Intermediate Holding Company, Ltd., a Bermuda company. Intelsat Intermediate Holding Company, Ltd. is wholly owned by Intelsat Jackson Holdings, Ltd., a Bermuda company. Intelsat Jackson Holdings, Ltd. is wholly owned by Intelsat (Bermuda), Ltd., a Bermuda company. Intelsat (Bermuda), Ltd. is wholly owned by Intelsat, Ltd., a Bermuda company. Intelsat, Ltd. is wholly owned by Intelsat Holdings, Ltd., a Bermuda company. Intelsat Holdings, Ltd. is wholly owned by Intelsat Global Subsidiary, Ltd., a Bermuda company. Intelsat Global Subsidiary, Ltd. is wholly owned by Intelsat Global, Ltd., a Bermuda company (“Intelsat Global”, formerly “Serafina Holdings Limited”). Each of these entities may be contacted at the following address: Wellesley House North, 2nd Floor, 90 Pitts Bay Road, Pembroke, HM 08, Bermuda.

Intelsat Global’s ownership was approved by the Commission in the *Intelsat-Serafina Order*, has not changed materially 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 22,151 (2007) (“*Intelsat-Serafina Order*”).