

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat North America LLC

File No. SAT-MOD- _____

Application to Modify Authorization for
Intelsat 705 (S2395)

APPLICATION OF INTELSAT NORTH AMERICA LLC
TO MODIFY AUTHORIZATION FOR INTELSAT 705

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 705 satellite (call sign S2395). Specifically, this modification seeks permanent authority to relocate Intelsat 705 to, and to operate the satellite at, 330.5° E.L. (29.5° W.L.). Intelsat expects to begin drifting the satellite in mid-February 2010 and have it on-station at 330.5° E.L. in early May 2010.

In accordance with the requirements of the Commission’s rules,¹ 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 pursuant to Section 25.114 of the Commission’s rules.²

¹ 47 C.F.R. § 25.117(c).

² 47 C.F.R. § 25.114.

I. PROPOSED MODIFICATION

By this modification, Intelsat requests authority to relocate Intelsat 705 to, and operate the satellite at, 330.5° E.L., with the drift beginning in mid-February 2010. Intelsat 705 is currently licensed to operate at 310.0° E.L.³ Upon authorization from the Commission, the Intelsat 1R satellite (call sign S2368) will replace the Intelsat 705 satellite at the 310.0° E.L. (50.0° W.L.) orbital location.⁴ At the 330.5° E.L. orbital location, Intelsat 705 will be co-located in the same station-keeping box with the Intelsat 801 satellite.⁵

II. PUBLIC INTEREST SHOWING

Grant of this modification application will serve the public interest by enabling Intelsat to maximize the efficient use of its satellite fleet and to provide continued robust service to customers. Intelsat 705 is well-suited to satisfy customer demand because it is an in-orbit satellite which can be moved relatively quickly to the 330.5° E.L. orbital location. In particular, the Intelsat 705 satellite will be used at the 330.5° E.L. orbital location to provide 2010 World Cup-related transmissions in June and July 2010. These World Cup-related transmissions cannot be accommodated on Intelsat 801 at the same location because Intelsat 801 is too highly inclined to support such transmissions.

Moreover, grant of this modification application will not result in increased risk of harmful interference. Intelsat has coordinated its operation at 29.5° W.L. with Hispasat, which

³ See IBFS File No. SAT-MOD-20020418-00064 (granted Aug. 8, 2008).

⁴ See PanAmSat Licensee Corp., Application to Modify Authorization for Intelsat 1R (S2368), IBFS File Nos. SAT-MOD-20090720-00073 (filed July 20, 2009); SAT-AMD-20090820-00091 (filed Aug. 20, 2009); and SAT-AMD-20091113-00122 (filed Nov. 13, 2009).

⁵ See *Intelsat North America LLC, Request for Special Temporary Authority for Intelsat 801*, File No. SAT-STA-20091216-00146 (filed Dec. 16, 2009) (seeking Special Temporary Authority to operate the Intelsat 801 satellite at 29.5° W.L. beginning in February 2010).

uses frequencies that overlap with those on Intelsat 705 on two satellites located at 330° W.L. (Hispasat 1C, Hispasat 1D). Intelsat will operate in accordance with its coordination agreements with Hispasat. Intelsat operates (or shortly will operate) the next two closest satellites to 330.5° E.L., at the 328.5° E.L. (31.5° W.L.) orbital location⁶ and at the 332.5° E.L. (27.5° W.L.) orbital location,⁷ and thus can internally monitor and coordinate any interference to or from these two satellites.

III. TECHNICAL WAIVERS

As described in the attached Engineering Statement, Intelsat requests that, to the extent necessary, the Part 25 waivers originally granted to the Intelsat 705 spacecraft continue to apply at the 330.5° 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.⁸

IV. REQUEST FOR GRANT WITHOUT MILESTONES OR A BOND

The International Bureau should grant this application without imposing milestones⁹ or a bond.¹⁰ Because Intelsat 705 already is in-orbit and operating, all milestones for this satellite

⁶ See *Intelsat North America LLC, Application for Authority to Operate Intelsat 25, an In-orbit Satellite, at 31.5° W.L.*, File No. SAT-LOA-20091223-00151 (filed Dec. 23, 2009).

⁷ *Application of Intelsat LLC to Modify Authorization*, File No. SAT-MOD-20020918-00183 (stamp grant Dec. 31, 2002).

⁸ 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).

⁹ 47 C.F.R. § 25.164(a).

¹⁰ 47 C.F.R. § 25.165.

have been satisfied and Intelsat is not required to post a bond.¹¹ Indeed, the Commission has granted similar applications for in-orbit satellites without imposing milestones or a bond.¹²

V. CONDITIONS RELATED TO FREQUENCIES AND ORBITAL LOCATIONS TRANSFERRED AT INTELSAT PRIVATIZATION

Intelsat assumes that the following two conditions specified in the *Intelsat 316 Order of Modification*¹³ will apply to the requested authorization for the Intelsat 705 satellite (call sign S2395) to use the 330.5° E.L. orbital location and associated C- and Ku-band frequencies transferred to the United States at privatization.

- (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.

VI. 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. Intelsat

¹¹ See *Loral Skynet Network Services, Inc.*, 21 FCC Rcd 14,365 (Int'l Bur. 2006) (“Because Telstar 18 is in-orbit and operating, Loral is not required to post a bond.”).

¹² See *Application of PanAmSat Licensee Corp. to Modify Authorization for Galaxy 11*, File No. SAT-MOD-20080225-00051 (stamp grant July 22, 2008); *PanAmSat Licensee Corp., Application to Modify Authorization to Relocate Intelsat 5 to 169.0° E.L.*, File No. SAT-MOD-20080725-00150 (stamp grant Oct. 17, 2008). To the extent necessary, Intelsat requests waiver of Section 25.165 of the rules, 47 C.F.R. § 25.165, for any bond associated with operation of the Intelsat 705 satellite at 330.5° E.L. In this case, there is no risk of warehousing because the Intelsat 705 satellite is already in-orbit and will be able to provide service from the 330.5° E.L. location in a much more timely manner than the five years that would be allowed to an applicant intending to construct, launch, and operate a new satellite at this location.

¹³ *Petition of the International Telecommunications Satellite Organization under Section 316 of the Communications Act, as Amended*, Order of Modification, 23 FCC Rcd 2764 (2008).

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 use at the 330.5° E.L. orbital location, as well as any ITU filings associated with any satellite system for which Intelsat may request authorization at a later date.

III. 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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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*”). In December 2009, the Commission also approved certain pro forma changes in Intelsat’s foreign ownership. There have been no other 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:

23 avenue Monterey
L-2086 Luxembourg

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, S.A., a Luxembourg company. Intelsat Subsidiary Holding Company, S.A. is wholly owned by Intelsat Intermediate Holding Company, S.A., a Luxembourg company. Intelsat Intermediate Holding Company, S.A.. 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, S.A., a Luxembourg company. Intelsat, S.A. is wholly owned by Intelsat Holdings, S.A., a Luxembourg company. Intelsat Holdings, S.A. is wholly owned by Intelsat Global Subsidiary, S.A., a Luxembourg company. Intelsat Global Subsidiary, S.A. is wholly owned by Intelsat Global, S.A., a Luxembourg company (“Intelsat Global”, formerly “Serafina Holdings Limited”). Each of these entities may be contacted at the following address: 23 avenue Monterey, L-2086 Luxembourg.

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*”).