

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Intelsat License LLC)	File No. SAT-MOD-20110420-00073
)	Call Sign S2469
Application to Modify Authorization to)	
Relocate Galaxy 26 to 50.0° E.L.)	

COMMENTS OF NEW SKIES SATELLITES B.V.

New Skies Satellites B.V. (“New Skies”), hereby comments on the above-captioned application of Intelsat License LLC (“Intelsat”) for modification of the license for Galaxy 26, a hybrid C/Ku-band space station, to authorize relocation to and commercial operations at 50.0° E.L. New Skies does not oppose the requested modification. New Skies requests, however, that any grant of the application be subject to the usual non-harmful interference and other related conditions imposed on U.S.-licensed spacecraft operating under the International Telecommunication Union (“ITU”) satellite network filings of another administration. These conditions should be imposed in addition to the non-harmful interference condition that Intelsat has agreed to accept for the protection of Region 1 and Region 3 Broadcasting Satellite Services (“BSS”) satellites operating in the 11.7-12.2 GHz frequency band. Such conditions are necessary to protect the rights of other satellite operators (including New Skies) with superior ITU date priority at the same and nearby orbital locations.

I. BACKGROUND

As Intelsat explains in its application, Galaxy 26 currently operates at 50.75° E.L. in the Ku-band, 14-14.5 GHz (Earth-to-space) and 11.7-12.2 GHz (space-to-Earth), with

telemetry, tracking, and command in specific C-band frequencies.¹ Intelsat sought and received authority to operate at that position pursuant to ITU filings submitted by the U.S.

Administration.²

When Intelsat proposed to deploy Galaxy 26 to 50.75° E.L., New Skies filed comments to seek conditions protecting its rights and those of its sister company SES Satellites (Gibraltar) Ltd. (“SES Gibraltar”).³ The comments explained that New Skies and SES Gibraltar are the beneficiaries of two sets of ITU filings that have higher date priority than the U.S. filings submitted on behalf of Intelsat: the Netherlands-filed NSS-79 network at 50.75° E.L., which includes the conventional C-band and Ku-band frequencies, and the Gibraltar/UK-filed AM-SAT AF3 BSS network at 51.0° E.L., which includes the ITU Region 1 and 3 Broadcasting Satellite Service (“BSS”) downlink band, 11.7-12.2 GHz.⁴ At the time, New Skies noted that no satellite was currently operating pursuant to either of these filings, but that it anticipated that one or both filings would be brought into use prior to expiration of their priority.⁵ New Skies has subsequently made good on that prediction, with both ASTRA 1F and SIRIUS 3 now operating at the nominal 51° E.L. orbital location in Ku-band frequencies that overlap with those of Galaxy 26. In addition, since then, the YahSat-1A satellite has been launched to the 52.5° E.L. orbital location operating in the Region 1 and Region 3 BSS frequencies. New Skies’ parent

¹ Intelsat License LLC, File No. SAT-MOD-20110420-00073 (“50.0° E.L. Application”), Narrative at 2.

² See Intelsat North America LLC, File No. SAT-MOD-20090309-00034 (“50.75° E.L. Application”), Narrative at 3.

³ See Comments of New Skies Satellites B.V., File No. SAT-MOD-20090309-00034 (filed Apr. 27, 2009) at 2.

⁴ *Id.*

⁵ *Id.*

company, SES S.A., has entered into a joint venture with YahSat to use transponders on Yahsat-1 to provide direct-to-home services in the Middle East and Africa.⁶

In response to the New Skies comments, Intelsat acknowledged that it was obligated to coordinate with networks with a higher ITU date priority and agreed to accept conditions to that effect.⁷ In its grant-stamp of the 50.75° E.L. Application, the Commission found that its standard condition embodying the language of Section 25.111(b) was adequate to ensure the protection of networks with higher ITU priority, and included that language in paragraph 5 of the terms and conditions of grant.⁸

In addition, the Commission imposed a separate condition on Intelsat's proposed use for Fixed-Satellite Service ("FSS") of the 11.7-12.2 GHz downlink band, which is allocated for BSS in ITU Regions 1 and 3. The grant specified that:

Intelsat's operation of the Galaxy 26 satellite in the FSS in the 11.7-12.2 GHz frequency band at the 50.75° E.L. orbital location is subject to the following conditions:

- a. Intelsat must operate Galaxy 26 on an unprotected and non-harmful interference basis with respect to broadcasting-satellite service (BSS) operations in Region 3 in accordance with Article 4.4 of the ITU Radio Regulations.
- b. Intelsat must operate Galaxy 26 in accordance with the BSS PFD limits specified in the ITU Radio Regulations, Appendix 30, Annex 1, Sections 1(a) and 4, for protection of co-frequency BSS and terrestrial operators.⁹

⁶ See <http://www.yahsat.ae/yahlive.htm> (last visited June 1, 2011).

⁷ Intelsat North America LLC Response to Comments, File No. SAT-MOD-20090309-00034 (filed May 6, 2009) at 1-2.

⁸ See File No. SAT-MOD-20090309-00034, grant-stamped June 17, 2009 ("50.75° E.L. Grant"), Attachment at n. 1 and ¶ 5.

⁹ *Id.* at 2, ¶ 3. In an apparent oversight, paragraph (a) of this condition refers only to protection of Region 3 BSS, even though the 11.7-12.2 GHz band is allocated to BSS in Region 1 as well. New Skies assumes that the Commission did not intentionally omit reference to protection of

In the instant application, Intelsat seeks authority to relocate Galaxy 26 to 50.0° E.L., suggesting that the move is needed to avoid possible interference between Galaxy 26 and the recently launched YahSat-1A satellite at 52.5° E.L.¹⁰ Intelsat proposes to use the same frequencies at 50.0° E.L. that it is using at 50.75° E.L. and agrees to comply with the conditions that were imposed on operation of Galaxy 26 at 50.75° E.L. in order to protect BSS networks in the 11.7-12.2 GHz bands.¹¹

As discussed below, however, Commission precedent requires that more extensive conditions be applied to operations of Galaxy 26 at 50.0° E.L. than were imposed at 50.75° E.L. given Intelsat's intention to operate pursuant to ITU filings submitted by the Turkish Administration. Specifically, in addition to the conditions previously imposed relating to the 11.7-12.2 GHz band, Intelsat's operations at 50.0° E.L. must be subject to the non-harmful interference and other related conditions usually imposed on the operation of a U.S.-licensed spacecraft operating under a non-U.S. ITU filing.

II. DISCUSSION

In its application, Intelsat seems to assume that the same set of operating conditions that the Commission adopted to apply to Galaxy 26 operations at 50.75° E.L. are also adequate to govern its planned operations at 50.0° E.L. Intelsat, however, is seeking not just to move Galaxy 26 but also to change its status with respect to the ITU filings underpinning its operation. Specifically, at 50.0° E.L., Intelsat proposes to operate Galaxy 26 pursuant to the

Region 1 BSS given that both Regions 1 and 3 are within the Galaxy 26 coverage pattern and that pursuant to Appendix 30 of the ITU Regulations, BSS in Regions 1 and 3 is treated identically, under a single, unified plan.

¹⁰ 50.0° E.L. Application, Narrative at 3.

¹¹ *Id.* at 4.

ITU filings of the Turkish Administration, rather than the U.S.¹² Intelsat emphasizes that it will operate Galaxy 26 at 50.0° E.L. “pursuant to the coordination agreements of the Turkish Administration for that location.”¹³

The Commission’s practice when a U.S. licensee seeks to operate under a foreign administration’s ITU filings is to impose a set of conditions that includes specifying that all operations will be on an unprotected and non-harmful interference basis. In fact, the Commission has recently imposed such conditions on Intelsat’s authority to operate a different satellite – Intelsat 709 – at 50.0° E.L. pursuant to Turkish ITU filings.¹⁴ The same conditions were imposed on the previous operation of the Intelsat 706 and Intelsat 602 satellites at or near 50° E.L. under Turkish and Thai ITU filings.¹⁵ Consistent with this precedent, the Commission should impose the same set of conditions here that the Commission adopted for Intelsat’s prior operations under Turkish filings at 50.0° E.L.

In addition, the Commission must take Intelsat at its word and extend to the Galaxy 26 operations at 50.0° E.L. in the 11.7-12.2 GHz frequencies the same band-specific conditions that were implemented in the grant for the satellite’s operations at 50.75° E.L.¹⁶

¹² *Id.* at 3. Intelsat states that it anticipates reaching an agreement with TurkSat authorizing Intelsat’s planned operations at 50.0° E.L. and will submit that agreement to the Commission. *Id.* at 3 n.10.

¹³ *Id.* at 3.

¹⁴ Intelsat North America LLC, File No. SAT-STA-20100315-00046, grant-stamped March 30, 2010, Attachment at 1, ¶¶ 4 *et seq.* (“Intelsat 709”).

¹⁵ *See* Intelsat North America LLC, File Nos. SAT-MOD-20040903-00165, SAT-AMD-20040903-00165, grant stamped Oct. 28, 2004, Attachment at 1, ¶¶ 1 *et seq.* (“Intelsat 706”) (imposing same conditions on Intelsat 706 operating at 50.25° E.L. under Turkish ITU filings); Intelsat LLC, File No. SAT-STA-20030822-00159, grant stamped Oct. 10, 2003, Attachment at 1, ¶¶ 1 *et seq.* (“Intelsat 602”) (same conditions for operations under Thai ITU filings).

¹⁶ As noted above, the 11.7-12.2 GHz band is allocated to BSS in both Regions 1 and 3. Accordingly, in applying the band-specific conditions to operations of Galaxy 26 at 50.0° E.L. the Commission should revise subparagraph (a) to require Intelsat to operate on a non-harmful interference basis with respect to BSS in both Regions 1 and 3.

Implementing these protections is particularly important here because Intelsat seeks to operate Galaxy 26 at 50.0° E.L. on downlink frequencies that were not covered by the authorizations granted to the Intelsat 709, Intelsat 706 or Intelsat 602 satellites,¹⁷ and the fact that at least three satellites operating in the Region 1 and 3 BSS frequencies have been deployed nearby at 51° E.L. (ASTRA 1F and SIRIUS 3) and 52.5° E.L. (Yahsat-1A). Furthermore, these additional frequencies do not appear to be within the scope of the Turkish ITU filings relied on by Intelsat. New Skies has reviewed the information in the ITU database and has not been able to find any evidence that the Turkish Administration has submitted filings to the ITU that encompass the 11.7-12.2 GHz Region 1 and Region 3 BSS downlink frequencies.

Intelsat's assurance that the proposed move of Galaxy 26 will not result in an increased risk of harmful interference relies on the assertion that the satellite's operations will be subject to Turkish ITU filings and related coordination agreements at 50.0° E.L.¹⁸ Given the apparent absence of any such filings or agreements relating to the 11.7-12.2 GHz frequencies, the Commission must take affirmative steps to ensure that Intelsat's planned operations in this band conform to ITU requirements by imposing the band-specific unprotected and non-interference condition and PFD limits that were included in the grant for Galaxy 26 at 50.75° E.L. to protect operational Region 1 and Region 3 BSS satellites nearby.

III. CONCLUSION

For the foregoing reasons, New Skies requests that in any grant of Intelsat's application to operate Galaxy 26 at 50.0° E.L., the Commission impose the same conditions that

¹⁷ Compare Intelsat 709, Intelsat 706 and Intelsat 602 (authorizing Intelsat to operate each of those spacecraft in the extended Ku-band downlink frequencies) *with* 50.0° E.L. Application, Narrative at 2 (requesting authority to operate Galaxy 26 at 50.0° E.L. in the 11.7-12.2 GHz band as well as the 14.0-14.5 GHz band).

¹⁸ 50.0° E.L. Application, Narrative at 3.

were previously adopted for operations of Intelsat 709 at 50.0° E.L. as well as the specific conditions relating to use of the 11.7-12.2 GHz band that are currently in effect for Galaxy 26's operations at 50.75° E.L.

Respectfully submitted,

NEW SKIES SATELLITES B.V.

By: /s/_____

Of Counsel

Karis A. Hastings
Hogan Lovells US LLP
555 13th Street, N.W.
Washington, D.C. 20004-1109
Tel: (202) 637-5600

Joslyn Read
Vice President, Regulatory Affairs
for New Skies Satellites B.V.
1129 20th Street NW, Suite 1000
Washington, D.C. 20036

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CERTIFICATE OF SERVICE

I, Cecelia Burnett, do hereby certify that on this 6th day of June, 2011, copies of the foregoing “Comments of New Skies Satellites B.V.” were served on the following parties by first class mail:

/s/ Cecelia M. Burnett
Cecelia M. Burnett

Susan H. Crandall
Assistant General Counsel
Intelsat Corporation
3400 International Drive, N.W.
Washington, D.C. 20008

Jennifer D. Hindin
Colleen King
Wiley Rein LLP
1776 K Street, N.W.
Washington, D.C. 20006