

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Intelsat License LLC	)	IBFS File Nos.
	)	
Application to Modify Authorization to	)	SAT-MOD-20110420-00073
Relocate Galaxy 26 to 50.0° E.L.	)	SAT-STA-20110314-00053
	)	
Request for Special Temporary Authority for	)	Call Sign: S2469
Galaxy 26	)	
	)	
	)	
	)	

**COMMENTS OF AL YAH SATELLITE COMMUNICATIONS COMPANY PRJSC**

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Al Yah Satellite Communications Company PrJSC (“Yahsat”) files these Comments to express its significant concerns about the above-referenced applications. While the recent launch of Yahsat-1A into 52.5° E.L. precludes the continued operation of Galaxy 26 at 50.75° E.L., the proposed relocation of Galaxy 26 to 50.0° E.L. would not ensure that the two satellites could operate simultaneously. The relocation of Galaxy 26 by less than one degree to 50.75° E.L., and its operation there, still would cause impermissible and harmful interference into Yahsat-1A, which has ITU priority. As noted below, Yahsat remains committed to continuing discussions with Intelsat with a view toward finding a mutually agreeable solution with respect to the operation of Galaxy 26.

Formed in 2007, Yahsat is a new entrant in the field of satellite communications in the Middle East and has positioned itself to be global provider of broadband services. Yahsat develops customized satellite solutions for the government as well as the commercial sector in the Middle East, Africa, Europe and Southwest Asia. Yahsat has designed the region’s first multi-purpose satellite system, based on its extensive interaction with customers and research into their communication needs.

Yahsat operates under the authority of the Telecommunications Regulatory Authority of the United Arab Emirates (“UAE”). Yahsat launched its first satellite (Yahsat-1A) on April 22, 2011. Yahsat-1A is multi-payload C/Ku/Ka band satellite covering the Middle East, Africa, Europe, and Southwest Asia. Its second satellite (Yahsat-1B) will be launched toward the end of 2011. Yahsat-1B will be a state-of-the-art, multi-spot Ka band satellite that provides broadband services to 26 selected countries in the Middle East, Africa, and Southwest Asia.

Intelsat seeks to relocate the Galaxy 26 satellite from its current location of 50.75° E.L. to 50.0° E.L., where Galaxy 26 would serve ITU Regions 1 and 3. Intelsat seeks both (i) STA to drift Galaxy 26 to that location, and (ii) a modification of its Commission license to allow long-term operations there. Intelsat proposes that Galaxy 26 operate in the Ku band frequencies at 11.7-12.2 GHz (downlink) and 14.0-14.5 GHz (uplink). The 11.7-12.2 GHz downlink band is subject to the ITU’s Appendix 30 BSS Plan in Regions 1 and 3. The C band payload on Galaxy 26 would not be used except to provide TT&C.

Yahsat-1A is currently in orbit at 52.5° E.L. Yahsat-1A’s payload includes the same Ku band BSS frequencies as those proposed for Galaxy 26. Yahsat operates this Ku band BSS payload under a modification to the ITU’s BSS Plan for Regions 1 and 3 made for the UAE under the EMARSAT-1 name.<sup>1</sup> In the Ku BSS band, Yahsat plans to provide Direct-to-Home (“DTH”) services in the Middle East, North Africa, and Southwest Asia. These DTH services are intended to be provided over small aperture terminals that are about 60 cm in diameter (24 inches), or even smaller, and are akin to the DBS services provided in the U.S. by DirecTV and DISH Network. Such small BSS/DBS terminals are more susceptible to adjacent satellite interference than typical FSS VSAT antennas due to their wider beamwidth.

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<sup>1</sup> See AP30/E/435, IFIC 2596; AP30A/E/435, IFIC 2596.

For these reasons, the recent launch of Yahsat-1A into 52.5° E.L. precludes the continued operation of Galaxy 26 at 50.75° E.L. In fact, the UAE administration has expressed on two occasions its concern to the Commission about the continued operation of Galaxy 26 at 50.75° E.L. For similar reasons, the relocation of Galaxy 26 to 50.0° E.L. (only 2.5 degrees away) would present similar and very serious concerns about harmful interference.

In this respect, it bears emphasis that Intelsat's "interference analysis" is wholly inadequate, as Intelsat considers only the *hypothetical* operation of a nearby FSS satellite similar to Galaxy 26, and does not take into the account the *actual* parameters of Yahsat-1A (even though the underlying reason for these applications is the need to relocate Galaxy 26 to protect Yahsat-1A).<sup>2</sup> Moreover, Intelsat does not provide the information described in Section 25.114(d)(13) of the Commission's Rules, which provides for an analysis of the technical compatibility of the proposed operations with the ITU's Appendix 30 BSS Plan, including those networks (such as Yahsat-1A) that have been implemented in accordance with that Plan.<sup>3</sup> Thus, there is no record basis for Intelsat's assertion that moving Galaxy 26 to 50.0° E.L. would allow Galaxy 26 and Yahsat-1A to operate without harmful interference.<sup>4</sup>

Intelsat admits that Galaxy 26 must move from its currently-authorized location 50.75° E.L. in order to avoid interference with Yahsat-1A.<sup>5</sup> However, the proposed

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<sup>2</sup> See IBFS File No. SAT-MOD-20110420-00073, Engineering Statement at 4-5.

<sup>3</sup> Such information, which would have to be provided in a request to use the 12.2-12.7 GHz BSS frequencies in the United States, should be equally relevant to any request to use the corresponding BSS frequencies at 11.7-12.2 GHz in Regions 1 and 3. See *Morning Star Satellite Company, L.L.C.*, 16 FCC Rcd 11550, at ¶ 17 n.40 (2001) (request to use Region 1 BSS spectrum for FSS purposes requires submission of relevant information with respect to the ITU's BSS Plans).

<sup>4</sup> See IBFS File No. SAT-MOD-20110420-00073, Narrative at 3.

<sup>5</sup> *Id.* Intelsat's current Commission authorization provides, in part: "Intelsat must operate Galaxy 26 on an unprotected and non-interference basis with respect to broadcasting-

relocation to 50.0° E.L., less than one degree away from Galaxy 26’s current location, is not enough to avoid such interference—Galaxy 26 would be a mere 2.5 degrees away, which is inadequate in BSS frequencies where orbital separations of even 4.5 degrees can be challenging.<sup>6</sup> Notably, Yahsat-1A has ITU priority over Galaxy 26, and no coordination arrangement with Yahsat or the UAE is in place to cover the operations of Galaxy 26 at its current location, or its proposed new location.<sup>7</sup> The operations of Galaxy 26 at 50.0° E.L. as proposed would cause harmful interference into Yahsat-1A, in violation of Commission policies and ITU requirements.

Finally, Yahsat must note the incomplete nature of the following Intelsat statement in its application for long-term authority: “Intelsat will operate Galaxy 26 pursuant to the coordination agreements of the Turkish Administration for that location.”<sup>8</sup> The fact is that currently there are no Turkish filings at the 50.0° E.L. that encompass the 11.7-12.2 GHz band, and even Intelsat’s own STA request admits as much.<sup>9</sup> Thus, there is no “regulatory cover” for operating Galaxy 26 in the 11.7-12.2 GHz band at 50.0° E.L. Even if the Turkish administration were to submit a filing for these BSS bands now, it still would be subject to the same coordination requirements with the UAE considering that any such new filing would lag in ITU priority behind numerous BSS filings, including that for EMARSAT-1.

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satellite service operations in Region 3 in accordance with Article 4.4 of the Regulations.” See IBFS File No. SAT-MOD-20090309-00034, Stamp Grant at ¶ 3.a (Jun. 17, 2009).

<sup>6</sup> See *generally Spectrum Five, LLC*, Order and Authorization, 21 FCC Rcd 14023 (IB 2006).

<sup>7</sup> Some exchanges of information and discussions have occurred between the parties, but no agreement has been reached.

<sup>8</sup> See IBFS File No. SAT-MOD-20110420-00073, Narrative at 3.

<sup>9</sup> See IBFS File No. SAT-STA-20110314-00053, Narrative at 1 (“Although Turkey’s ITU filings currently do not contain the frequency band 11700-12200 MHz, Intelsat intends to ask Turkey to file for that band.”).

Intelsat must move Galaxy 26 from 50.75 E.L. (and away from Yahsat-1A), and the location ultimately chosen must afford adequate interference protection to the services Yahsat intends to provide on its Yahsat-1A satellite, as allowed under the relevant ITU Rules and Regulations governing the use of planned BSS bands. In the meantime, and in circumstances such as these, where operations would cause harmful interference, Commission precedent precludes the grant of authority to actually provide service over Galaxy 26.<sup>10</sup> Because Yahsat-1A has been launched, requiring that Intelsat coordinate “after the fact” is not an adequate remedy.

Yahsat remains committed to continuing discussions with Intelsat with a view toward finding a mutually agreeable solution with respect to the operation of Galaxy 26. The June 6, 2011 deadline for filing comments on Intelsat’s application unfortunately leaves Yahsat with no choice but to place its concerns into the record.

Respectfully submitted,

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June 6, 2011

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<sup>10</sup> See *Loral Orion Services*, 14 FCC Rcd 17665 (1999).

**CERTIFICATE OF SERVICE**

I, Jarrett S. Taubman, hereby certify that on this 6th day of June, 2011, I caused to be served a true copy of the foregoing “Comments of Al Yah Satellite Communications Company PrJSC,” by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

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