

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application to Modify Authorization for
Horizons 2 (Call Sign S2423)

File No. SAT-MOD- _____

**APPLICATION OF INTELSAT LICENSE LLC
TO MODIFY AUTHORIZATION FOR HORIZONS 2**

Intelsat License 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 Horizons 2 (Call Sign S2423) satellite. Specifically, this modification seeks permanent authority to relocate Horizons 2 to, and to operate the satellite at, 84.85° E.L.

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, as contained in the attached Engineering Statement, 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 Horizons 2 to, and operate the satellite at, 84.85° E.L. Horizons 2 is a Ku-band satellite launched in December 2007. Horizons 2 is currently licensed to operate at 74.05° W.L.³ Upon transfer of Horizons 2 traffic to other satellites and receipt of Commission approval, Intelsat intends to commence relocating Horizons 2 to 84.85° E.L. in December 2011 and begin operating the satellite at that location in February/March 2012.

Following the proposed relocation, Horizons 2 will be nominally co-located with the Intelsat 15 satellite, which currently operates at 85.15° E.L.⁴ As shown in the chart below, Horizons 2 contains frequencies in the 11700-12200 MHz band that are not on the Intelsat 15 satellite.

Frequency Band (MHz)	Intelsat 15	Horizons 2
10950 – 11200	X	
11450 – 11700	X	
11700 – 12200		X
12500 – 12750	X	
13750 – 14500	X	
14000 – 14500	X	X

During the drift of Horizons 2 from 74.05° W.L. to 84.85° E.L., Intelsat will utilize only the satellite’s TT&C frequencies. The specific TT&C frequencies are as follows:

³ See *Application of PanAmSat H-2 Licensee Corp. to Modify License*, File No. SAT-MOD-20070628-00090 (stamp grant issued Nov. 30, 2007 by Andrea Kelly) and *Application of PanAmSat H-2 Licensee Corp. to Amend Pending Application*, File No. SAT-AMD-20070731-00108 (stamp grant issued Nov. 30, 2007 by Andrea Kelly).

⁴ See *Policy Branch Information; Actions Taken*, Report No. SAT-00663, File Nos. SAT-LOA-20090410-00043 and SAT-AMD-20090528-00059 (Jan. 29, 2010) (Public Notice).

Uplink: 14000.5 MHz (H or LHCP) and 14499.5 MHz (V or LHCP)

Downlink: 12196.0 MHz and 12198.625 MHz (H or RHCP)

Once located at 84.85° E.L., Intelsat will operate the satellite's communications frequencies, as follows:

Downlink: 11700-12200 MHz

Uplink: 14000-14500 MHz

It is noted that in the coverage area of Horizons 2 at 84.85° E.L. the band 11700-12200 MHz is allocated to the broadcasting satellite service ("BSS"). Operation in this band will be conducted in accordance with the ITU filing USABSS-29 that has already been notified to the ITU.

II. PUBLIC INTEREST SHOWING

Grant of this modification application will serve the public interest by enabling Intelsat to provide additional capacity to customers at 84.85° E.L. Intelsat has determined that there is more demand at 84.85° E.L. than at 74.05° W.L. The nominal 85.0° E.L. is in the Middle East region where there is a shortage of Ku-band capacity.⁵ The FCC has previously approved the relocation of satellites based on the satellite operator's determination of customer need.⁶ Grant is similarly appropriate here because moving Horizons 2 to 84.85° E.L. would best serve customer needs and constitutes a more efficient use of orbital resources.

⁵ See GAO, *Competition, Capacity, and Costs in the Fixed Satellite Services Industry*, Report to Congressional Requesters at 12 (Sept. 2011), available at <http://www.gao.gov/new.items/d11777.pdf> ("GAO Report") (finding that there is less available satellite capacity in the Middle East and Africa than other regions, such as North and South America, Asia, and Western Europe).

⁶ The Commission has found that licensees are "in a better position" to determine how to tailor their systems "to meet the particular needs of [their] customers." See, e.g., *AMSC Subsidiary Corporation*, Order and Authorization, 13 FCC Rcd 12316, 12318 (1998).

In addition, grant of this modification application will not result in increased risk of harmful interference. As noted above, Intelsat will operate only the above listed TT&C frequencies during the drift, and will coordinate its TT&C transmissions with operators of satellites in the drift path. Should any interference occur during the drift, Intelsat will take all reasonable steps to eliminate such interference. Once on-station at 84.85° E.L., Intelsat will operate the communications payload and TT&C frequencies in conformance with its coordination agreements regarding the nominal 85.0° E.L. orbital location and the FCC's rules governing operations vis-à-vis adjacent locations.

III. CONTINUING WAIVERS OF SECTIONS 25.114(D)(3) AND 25.283(C)

Intelsat requests that the waivers previously granted for Horizons 2 at 74.05° W.L. continue for the satellite at 84.85° E.L. Specifically, Intelsat seeks continuation of the waivers of Sections 25.114(d)(3) and 25.283(c) of the Commission's rules for the reasons set forth in the original request.⁷

IV. REQUEST FOR GRANT WITHOUT MILESTONES OR A BOND

Intelsat requests that the International Bureau grant this modification application without imposing milestones⁸ or a bond.⁹ Because Horizons 2 already is in-orbit and operating, all milestones for this satellite have been satisfied and Intelsat is not required to post a bond.¹⁰

⁷ See *supra* note 3.

⁸ 47 C.F.R. § 25.164(a).

⁹ 47 C.F.R. § 25.165.

¹⁰ 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.").

Indeed, the Commission has granted similar applications for in-orbit satellites without imposing milestones or a bond.¹¹

V. INTELSAT ACCEPTS SECTION 316 PETITION CONDITIONS

Intelsat understands and accepts that its license to operate Horizons 2 at 84.85° E.L. in the 14000-14500 MHz band will be conditioned as follows:¹²

- (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.¹³

VI. ORBITAL DEBRIS STATEMENT

Intelsat has assessed and limited the probability of the space station becoming a source of debris as a result of collision with large debris or other operational space stations. Horizons 2 will not be located at the same orbital location as another satellite or at an orbital location that

¹¹ 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); Intelsat North America LLC, *Application to Modify Authorization for Intelsat 705 (S2395)*, File No. SAT-MOD-20100115-00010 (stamp grant Sept. 17, 2010). 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 Horizons 2 satellite at 84.85° E.L. In this case, there is no risk of warehousing because the Horizons 2 satellite is already in-orbit and will be able to provide service from the 84.85° 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.

¹² The 11700-12200 MHz band was not acquired from the former IGO and thus should not be included in the Section 316 conditions.

¹³ See *Petition of the Int’l. Telecomms. Satellite Org. under Section 316 of the Commc’ns Act*, as amended, IB 06-137, File No. SAT-MS-20060710-00076, Order of Modification, 23 FCC Rcd 2764, 2769-71 (¶¶11-13)(Int’l Bur. 2008).

has an overlapping station-keeping volume with another satellite. Further, Intelsat is not aware of any other FCC-licensed system, or any other system applied for and under consideration by the FCC, having an overlapping station-keeping volume with Horizons 2 at 84.85° E.L. Finally, Intelsat is not aware of any system with an overlapping station-keeping volume with Horizons 2 at 84.85° E.L. that is the subject of an ITU filing and that is either in orbit or progressing toward launch.

V. **CONCLUSION**

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

Respectfully submitted,

Intelsat License LLC

By: */s/ Susan H. Crandall*

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September 28, 2011

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

The Commission previously approved foreign ownership in Intelsat License LLC (“Intelsat”) (f/k/a Intelsat North America LLC), in the *Intelsat-Serafina Order*.¹⁴ In December 2009, the Commission also approved the *pro forma* changes in Intelsat’s foreign ownership.¹⁵ There have been no other material changes to Intelsat’s foreign ownership since the date of the *Intelsat-Serafina Order*.

¹⁴ *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).

¹⁵ *See Intelsat North America LLC, Intelsat LLC, PanAmSat Licensee Corp., PanAmSat H-2 Licensee Corp., and Intelsat New Dawn Company, Ltd., Applications for Pro Forma Transfer of Control*, File Nos. SAT-T/C-20091125-00128, SAT-T/C-20091125-00124, SAT-T/C-20091125-00127, SAT-T/C-20091125-00125, SAT-T/C-20091125-00126, SES-T/C-20091125-01505, SES-T/C-20091125-01502, SES-T/C-20091125-01506, SES-T/C-20091125-01504 and SES-T/C-20091125-01503 (granted Dec. 3, 2009).

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

Intelsat License 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 a former Intelsat entity, PanAmSat Licensee Corp. (“PanAmSat”),¹⁶ based on the Bureau’s finding that PanAmSat had not satisfied applicable construction milestones.¹⁷ 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 Intelsat’s basic qualifications, which are well-established and a matter of public record.

¹⁶ All licenses previously held by PanAmSat Licensee Corp. have been assigned to Intelsat License LLC. See IBFS File Nos. SAT-ASG-20101203-00252 (granted Dec. 23, 2010), SES-ASG-20101203-0150 (granted Dec. 20, 2010), and SES-ASG-20101206-01502 (granted Dec. 20, 2010).

¹⁷ See *PanAmSat Licensee Corp.*, Memorandum Opinion and Order, 15 FCC Rcd 18720 (IB 2000).

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

The officers and directors/managers of Intelsat License LLC are as follows:

Officers:

Michael McDonnell, Chairman
Flavien Bachabi, Deputy Chairman
Phillip Spector, Secretary
Simon Van De Weg, Director, Finance

Board of Managers:

Michael McDonnell
Flavien Bachabi
Phillip Spector

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

4 rue Albert Borschette
L-1246 Luxembourg

Intelsat License LLC is a Delaware limited liability company that is wholly owned by Intelsat License Holdings LLC, also a Delaware limited liability company. Intelsat License 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 Phoenix Holdings S.A., a Luxembourg company. Intelsat Phoenix Holdings 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: 4 rue Albert Borschette, L-1246 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*”).