

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

In the Matter of	)
	)
Intelsat License LLC	) File Nos. SAT-MOD-20120619-00100
	) SAT-AMD-20120815-00131
Application to Modify Authorization	)
For Intelsat 8 (S2460)	)
	)

**RESPONSE TO COMMENTS**

Intelsat License LLC (“Intelsat”) hereby responds to the comments of DIRECTV Enterprises, LLC (“DIRECTV”) in the above-referenced proceeding.<sup>1</sup> Intelsat’s application requests that the waiver of Section 2.106 (the “U.S. Table of Frequency Allocations”) previously granted for the Intelsat 8 spacecraft to transmit in the 12250–12750 MHz frequency band for commercial Fixed-Satellite Service on a non-interference, non-protected basis at 166.0° E.L. continue to apply following the relocation of Intelsat 8 to the nearby 169.0° E.L. orbital location.<sup>2</sup> Intelsat also seeks to expand the waiver to permit Intelsat 8 to operate with any earth station in the International Telecommunication Union Region 2, rather than just one earth station in Napa, California.

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<sup>1</sup> Comments of DIRECTV Enterprises, LLC, File Nos. SAT-MOD-20120619-00100 and SAT-AMD-20120815-00131 (filed Aug. 20, 2012) (“DIRECTV Comments”).

<sup>2</sup> The current waiver permits Intelsat 8 to transmit in the 12250–12750 MHz frequency band for commercial Fixed-Satellite Service (“FSS”) on a non-interference, non-protected basis to its Napa, California earth station facility. *See In the Matter of PanAmSat License Corp. Application for Modification of Authority to Operate the Pas-5 Satellite at the 166° degrees E.L. Orbital Location*, Order and Authorization, DA 06-6, File Nos. SAT-MOD-19980928-00078, SAT-AMD-19990222-00024, SAT-AMD-20020326-00055, SAT-STA-20020705-00097, and SAT-AMD-20051116-00220, 21 FCC Rcd 36, ¶ 1 (Jan. 4, 2006).

DIRECTV expresses concern about the potential precedent a waiver could set, but “does not object to the limited waiver Intelsat seeks”.<sup>3</sup> Specifically, DIRECTV does not oppose grant of the waiver on the facts put forth in the Intelsat 8 application. DIRECTV just asks the Commission to make clear that Intelsat’s waiver “is appropriate in the unique circumstances here.”<sup>4</sup>

Granting the waiver based on the particular facts and circumstances presented for the Intelsat 8 satellite—the way DIRECTV requests—would be consistent with agency policy and precedent. The Commission routinely considers the particular facts and special circumstances presented by a particular application when granting a waiver. Case precedent clearly states that, “[t]he FCC may exercise its discretion to waive a rule where *particular facts* would make strict compliance inconsistent with the public interest.”<sup>5</sup> In this case, granting the waiver is appropriate given the lack of potential interference resulting from the large orbital separation of Intelsat 8 from co-frequency DBS satellites serving Region 2, the limited beam serving the continental United States, and conformity with coordination agreements.

Based on the foregoing, Intelsat respectfully requests that the Commission grant Intelsat’s application to modify the authorization for the Intelsat 8 satellite, including the requested waiver.

Respectfully submitted,

*/s/ Susan H. Crandall*

Susan H. Crandall  
Assistant General Counsel, Intelsat Corporation

Jennifer D. Hindin  
WILEY REIN LLP  
1776 K Street, N.W.  
Washington, DC 20006

September 5, 2012

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<sup>3</sup> DIRECTV Comments at 2.

<sup>4</sup> *Id.*

<sup>5</sup> See N.E. Cellular Tel. Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (emphasis added)).

## **CERTIFICATE OF SERVICE**

I hereby certify that, on this 5<sup>th</sup> day of September 2012, a copy of the foregoing Response to Comments was served by first class mail, postage prepaid, upon:

William M. Wiltshire  
Michael Nilsson  
WILTSHERE & GRANNIS LLP  
1200 Eighteenth Street, NW  
Washington, DC 20036

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/s/ Sadie F. Butler