

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application to Modify Authorization for
Intelsat 5 (S2704)

File No. SAT-MOD- _____

**APPLICATION OF INTELSAT LICENSE LLC
TO MODIFY AUTHORIZATION FOR INTELSAT 5**

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 Intelsat 5 satellite (Call Sign S2704). Specifically, this modification application seeks authority to drift Intelsat 5 from 169.0° E.L. to 65.45° E.L. and to operate the satellite at 65.45° E.L. in inclined orbit pursuant to new U.S. ITU filings.¹

In accordance with the requirements of the Commission’s rules,² 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

¹ Intelsat is currently drifting to 65.45° E.L. pursuant to a grant of special temporary authority (“STA”). *See Policy Branch Information; Actions Taken*, Report No. SAT-00907, File No. SAT-STA-20120911-00147 (Oct. 26, 2012) (Public Notice). Intelsat also has a pending request for STA for 180 days to drift Intelsat 5 from 169.0° E.L. to 65.45° E.L. and to operate the satellite at 65.45° E.L. *See Policy Branch Information; Satellite Space Applications Accepted for Filing*, Report No. SAT-00906, File No. SAT-STA-20121017-00182 (Oct. 26, 2012) (Public Notice). Intelsat recently informed the Commission of the commencement of inclined orbit operations. *See Letter from Susan H. Crandall to Marlene H. Dortch, Notice of Commencement of Inclined Orbit Operations for Intelsat 5, Call Sign S2704* (filed Oct. 24, 2012).

² 47 C.F.R. § 25.117(c).

contained in the attached Engineering Statement, pursuant to Section 25.114 of the Commission's rules.³

I. REQUEST TO RELOCATE INTELSAT 5 TO 65.45° E.L.

Intelsat requests authority to relocate Intelsat 5 to, and operate the satellite at, 65.45° E.L.⁴ Intelsat 5 is currently authorized to operate at 169.0° E.L.⁵ The Intelsat 8 satellite (call sign S2460) has relocated to the nominal 169.0° E.L. orbital location,⁶ and all traffic has been transferred from Intelsat 5 to Intelsat 8. Consequently, Intelsat 5 is no longer needed at this location. Pursuant to grant of STA, Intelsat commenced drifting Intelsat 5 on October 31, 2012⁷ and plans to have the satellite on station at 65.45° E.L. in late May 2013.

During the drift of Intelsat 5, Intelsat will utilize only the satellite's TT&C frequencies.

The specific TT&C frequencies are as follows:

Uplink:

14498 MHz (H)

13999 MHz (RHCP)

Downlink:

11451 MHz (H, V and RHCP)

³ 47 C.F.R. § 25.114.

⁴ Intelsat has a pending modification application to extend the license term for the Intelsat 5 satellite through December 31, 2020. *See Application of Intelsat License LLC to Modify Authorization for Intelsat 5*, File No. SAT-MOD-20121002-00176 (filed Oct. 2, 2012).

⁵ *See Policy Branch Information; Actions Taken*, Report No. SAT-00561, File No. SAT-MOD-20080725-00150 (Oct. 24, 2008) (Public Notice).

⁶ *See Policy Branch Information; Actions Taken*, Report No. SAT-00896, File No. SAT-STA-20120815-00132 (Sept. 7, 2012) (Public Notice) (authorizing drift of the Intelsat 8 to 169.0°). Intelsat also has a pending application to operate the Intelsat 8 satellite at 169.0° E.L. on a permanent basis. *See Policy Branch Information; Satellite Space Applications Accepted for Filing*, Report No. SAT-00895, File No. SAT-AMD-20120815-00131 (Sept. 7, 2012) (Public Notice).

⁷ *See Letter from Susan H. Crandall to Marlene H. Dortch*, Notice of Commencement of Drift of Intelsat 5, File No. File No. SAT-STA-20120911-00147 (filed Nov. 5, 2012).

11452 MHz (H, V and RHCP)
11454 MHz (RHCP and LHCP)

Once located at 65.45° E.L., Intelsat will operate the satellite's communications frequencies as set forth below:

Frequency Band	INTELSAT 5
5925 – 6425 MHz	√
12750 – 13250 MHz	√
14000 – 14250 MHz	√
3700 – 4200 MHz	√
10700 – 10950 MHz	√
11200 – 11450 MHz	√
11450 – 11700 MHz	√

II. PUBLIC INTEREST SHOWING

Grant of this modification application is in the public interest because it will allow Intelsat to meet customer demand at 65.45° E.L. Moreover, grant of this modification application will not result in an 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 Intelsat 5 is on-station at 65.45° E.L., Intelsat will operate the communications payload and TT&C frequencies in conformance with its ITU coordination agreements and the FCC's rules governing operations vis-à-vis adjacent locations. Intelsat previously was granted de-orbit authority, which will be adhered to at the 65.45° E.L. location.⁸

⁸ See *Policy Branch Information; Actions Taken*, Report No. SAT-00561, File No. SAT-MOD-20080725-00150 (Oct. 24, 2008) (Public Notice). Intelsat notes that the Satellite Industry Association's pending request for blanket waiver of Section 25.283(c) incorrectly included the Intelsat 5 satellite. *Pleading Cycle Established for Comment on Satellite Industry Association's*

III. REQUEST FOR WAIVER

Intelsat requests waiver of Section 25.114(d)(3), which specifies that predicted antenna gain contours for each transmit and each receive antenna beam and nominal orbital location requested be supplied in a certain format. Under Section 1.3 of the Commission's rules, the Commission has authority to waive its rules "for good cause shown."⁹ Good cause exists if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest" better than adherence to the general rule.¹⁰ In determining whether waiver is appropriate, the Commission should "take into account considerations of hardship, equity, or more effective implementation of overall policy."¹¹

Good cause exists for grant of this waiver request. As explained more fully on page 3 of the attached Engineering Statement, to the extent necessary, Intelsat requests a waiver of Section 25.114(d)(3) with respect to Intelsat 5's Telemetry, Command and Ranging's ("TC&R's") bicone antenna and the uplink power control ("ULPC") antenna, shown in Exhibits 2L, 2O, 2P and 2Q. The satellite manufacturer does not provide the beam patterns for these antennas in the required form. Intelsat provides a descriptive characterization of these beams on pages 2 and 3 of the Engineering Statement. Waiver of Section 25.114(d)(3) is warranted in this case because Intelsat's descriptive characterization, coupled with the beam patterns provided by the manufacturer, fulfill the informational requirements of Section 25.114(d)(3). In addition,

Blanket Waiver Request Concerning Relieving Satellite Pressure Vessels, IB Docket No. 02-54, DA 10-2291 (Dec. 14, 2010) (Public Notice).

⁹ 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹¹ *WAIT Radio*, 418 F.2d at 1159.

granting the requested waiver would be consistent with precedent. The FCC has previously waived Section 25.114(d)(3) in similar circumstances.¹²

IV. 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.¹³

Intelsat 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 the satellite proposed in this Application, as well as any ITU filings associated with any satellite system for which Intelsat may request authorization at a later date.

V. 11450-11700 MHZ AND 12500-12750 MHZ FREQUENCY BANDS

Intelsat understands that operations in the 11450-11700 MHz and 12500-12750 MHz frequency bands are subject to certain limitations and obligations, which Intelsat accepts and will fulfill. Specifically, for operations in the 11450-11700 MHz frequency band, Intelsat accepts the following condition:

- Intelsat's use of the 11450-11700 MHz band (space-to-Earth) is subject to footnote US211 to the United States Table of Frequency Allocations, 47 C.F.R. § 2.106, US211, which urges applicants for airborne or space station assignments to take all practicable steps to protect radio astronomy observations in the adjacent bands from harmful interference, consistent with footnote US74.

Intelsat will not provide service in Region 2 from the 65.45° E.L. location and for operations in the 12500-12750 MHz frequency band accepts the following condition:

¹² See *Application of PanAmSat Licensee Corp. to Modify Authorization for Galaxy 11*, File No. SAT-MOD-20101102-00229 (filed Nov. 2, 2010; stamp grant Mar. 8, 2011; corrected Apr. 7, 2011); *Intelsat North America LLC Application for Authority to Launch and Operate Intelsat 15, a Ku-band Replacement Satellite at 85.15° E.L.*, File No. SAT-LOA-20090410-00043 and SAT-AMD-20090528-00059 (stamp grant with conditions Nov. 25, 2009).

¹³ See *Implementation of ITU Cost Recovery Charges for Satellite Network Filings*, Public Notice, DA 01-2435 (Oct. 19, 2001).

- Use of the 12.5-12.75 GHz frequency band is not permitted for fixed-satellite service in the space-to-Earth direction in Region 2.

VI. 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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November 9, 2012

Exhibit A

FCC Form 312, Response to Question 34: Foreign Ownership

The Commission previously approved foreign ownership in Intelsat License LLC (“Intelsat”), in the *Intelsat-Serafina Order*.¹ In December 2009 and October 2011, the Commission also approved *pro forma* changes in Intelsat’s foreign ownership.² There have been no other material changes to Intelsat’s foreign ownership since the date of the *Intelsat-Serafina Order*.

¹ *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).

² *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); *Intelsat Application for Pro Forma Transfer of Control*, File Nos. SAT-T/C-20110810-00160, SAT-T/C-20110811-00161, SES-T/C-20110811-00948, SES-T/C-20110812-00963 (granted Oct. 13, 2011), and 0004825139 (granted Oct. 19, 2011).

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”),³ based on the Bureau’s finding that PanAmSat had not satisfied applicable construction milestones.⁴ 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.

³ 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).

⁴ 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 business 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 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 Investment Holdings S.à r.l., a Luxembourg company. Intelsat Investment Holdings S.à r.l. is wholly owned by Intelsat Global Holdings S.A., a Luxembourg company. Each of these entities may be contacted at the following address: 4 rue Albert Borschette, L-1246 Luxembourg.

Intelsat Global Holding S.A.'s ownership was approved by the Commission as part of the *Intelsat-Serafina Order* and the recent Intelsat Pro Forma 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*”); *Intelsat Application for Pro Forma Transfer of Control*, File Nos. SAT-T/C-20110810-00160, SAT-T/C-20110811-00161, SES-T/C-20110811-00948, SES-T/C-20110812-00963 (granted Oct. 13, 2011), and 0004825139 (granted Oct. 19, 2011) (“*Intelsat Pro Forma*”). On May 16, 2012, the International Bureau granted an application to transfer control of Intelsat pursuant to a public offering of newly issued voting shares by Intelsat, subsequent voting share sales by current shareholders and possible private placements of newly issued voting shares. *In the Matter of Intelsat Global Holdings, S.A., Applications to Transfer Control of Intelsat Licenses and Authorizations from BC Partners Holdings Limited to Public Ownership*, Order, DA 12-768 (rel. May 16, 2012). This transaction has not yet been consummated.