

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application to Modify Authorization for
Intelsat 16 (S2750)

File No. SAT-MOD- _____

APPLICATION OF INTELSAT LICENSE LLC
TO MODIFY AUTHORIZATION FOR INTELSAT 16

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 16 satellite (Call Sign S2750). Specifically, this modification application seeks authority to redeploy Intelsat 16 to 79.0° W.L. and to operate the satellite at 79.0° W.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. REQUEST TO RELOCATE INTELSAT 16 TO 79.0° W.L.

Intelsat requests authority to relocate Intelsat 16 to, and operate the satellite at, 79.0° W.L. Intelsat 16 is currently operating at 79.0° W.L. pursuant to an STA.³ As the Commission is aware, DIRECTV Enterprises, LLC (“DIRECTV”) currently holds the license to operate a satellite in Ku-band at 78.8° W.L.⁴ DIRECTV fully supports this request to allow Intelsat 16 to operate at 79.0° W.L. until DIRECTV brings the DIRECTV KU-79W satellite to its licensed location.⁵

Intelsat 16’s specific TT&C frequencies are as follows:

Uplink:⁶
13997.5 MHz
14499.5 MHz

Downlink:
12198.25 MHz
12198.75 MHz

The specific communications frequencies are as follows:⁷

Uplink:
14000 – 14500 MHz

³ See *Policy Branch Information; Actions Taken*, Report No. SAT-01052, File No. SAT-STA-20140827-00096 (Nov. 7, 2014) (Public Notice); *Policy Branch Information; Actions Taken*, Report No. SAT-01044, File No. SAT-STA-20140827-00095 (Oct. 3, 2014) (Public Notice). Intelsat 16 previously was permanently authorized to operate at 58.1° W.L. See *Policy Branch Information; Actions Taken*, Report No. SAT-00610, File No. SAT-LOA-20080416-00085 (June 5, 2009) (Public Notice).

⁴ See *Policy Branch Information; Actions Taken*, Report No. SAT-01002, File No. SAT-MOD-20130718-00096 (Mar. 14, 2014) (Public Notice).

⁵ Following traffic transfer to DIRECTV KU-79, Intelsat 16 likely will be redeployed.

⁶ Intelsat 16 will operate 13997.5 MHz on a non-interference, non-protected basis.

⁷ Although Intelsat 16 also includes the bands 12750 – 13250 MHz, 13750-14000 MHz, and 10700 – 11450 MHz, Intelsat is not seeking authority to operate in these bands in this request except for the 13997.5 MHz frequency used for uplink TT&C, noted above.

Downlink:
11700 – 12200 MHz

II. PUBLIC INTEREST SHOWING

Grant of this modification application is in the public interest because it will allow Intelsat to help satisfy customer demand at 79.0° W.L.

Moreover, grant of this modification application will not result in an increased risk of harmful interference. Intelsat will operate Intelsat's communications payload and TT&C frequencies at 79.0° W.L. in conformance with existing coordination agreements and the FCC's rules governing operations vis-à-vis adjacent locations.

III. REQUEST FOR GRANT WITHOUT MILESTONES OR A BOND

The Commission should grant this application without imposing milestones⁸ or a bond⁹ because Intelsat 16 already is in-orbit and operating at 79.0° W.L. As such, all milestones for this satellite have been satisfied and Intelsat is not required to post a bond.¹⁰ Indeed, the Commission has granted similar applications for in-orbit satellites without imposing milestones or a bond.¹¹

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.").

¹¹ See *Policy Branch Information; Actions Taken*, Report No. SAT-00541, File No. SAT-MOD-20080225-00051 (July 25, 2008) (Public Notice); See *Policy Branch Information; Actions Taken*, Report No. SAT-00561, File No. SAT-MOD-20080725-00150 (Oct. 24, 2008) (Public Notice). To the extent necessary, Intelsat requests waiver of Sections 25.164(a) and 25.165 of the rules, 47 C.F.R. §§ 25.164(a) and 25.165, for any possible milestone or bond associated with the operation of Intelsat 16 at 79.0° W.L. In this case, there is no risk of warehousing because the Intelsat 16 satellite is already providing service from the 79.0° W.L. location pursuant to an STA.

IV. REQUEST FOR TECHNICAL WAIVER

Intelsat requests a waiver of Section 25.114(c)(4)(vi)(A), which specifies that predicted antenna gain contours be supplied in a certain format.¹² Under Section 1.3 of the Commission's rules, the Commission has authority to waive its rules "for good cause shown."¹³ 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.¹⁴ In determining whether waiver is appropriate, the Commission should "take into account consideration of hardship, equity, or more effective implementation of overall policy."¹⁵

Good cause exists for grant of this waiver request. As explained more fully on page 5 of the attached Engineering Statement, to the extent necessary, Intelsat requests a waiver of Section 25.114(c)(4)(vi)(A) with respect to Intelsat 16's TC&R Global Horn, WCA and Omni antennas. The satellite manufacturer did not provide the beam patterns for these antennas in the required form. Waiver of Section 25.114(c)(4)(vi)(A) is warranted in this case because Intelsat's descriptive characterization, coupled with the beam patterns provided by the manufacturer, fulfill the information requirements of Section 25.114(c)(4)(vi)(A). The FCC previously found that the

¹² 47 C.F.R. § 25.114(c)(4)(vi)(A). Section 25.114(c)(4)(vi)(A) recently was moved from Section 25.114(d)(3). See *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Report and Order, 28 FCC Rcd 12403, 12434 (2013).

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

¹⁴ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁵ *WAIT Radio*, 418 F.2d at 1159.

information provided for the Intelsat 16 satellite was sufficient to conduct the necessary analysis.¹⁶

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

Susan H. Crandall
Associate General Counsel
Intelsat Corporation

Jennifer D. Hindin
Colleen King
WILEY REIN LLP
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000

January 5, 2015

¹⁶ Intelsat North America LLC, Application for Authority to Launch and Operate a Satellite at 58.1° W.L., File No. SAT-LOA-20080416-00085 at ¶ 4 (stamp grant May 29, 2009).

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”),¹ based on the Bureau’s finding that PanAmSat had not satisfied applicable construction milestones.² 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.

¹ 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).

² See *PanAmSat Licensee Corp.*, Memorandum Opinion and Order, 15 FCC Rcd 18720 (IB 2000).

**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
Franz Russ, Deputy Chairman
Michelle Bryan, Secretary
Simon Van De Weg, Director, Finance

Board of Managers:

Michael McDonnell
Franz Russ
Michelle Bryan

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 Investments S.A., a Luxembourg company. Intelsat Investments 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 S.A., a Luxembourg company. Each of these entities may be contacted at the following address: 4 rue Albert Borschette, L-1246 Luxembourg.

Intelsat 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 change of control has not yet been consummated.