

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Horizons-3 License LLC

Application to Modify Condition of
Authorization for Horizons 3e (S2947)

File No. SAT-MOD-_____

**APPLICATION TO MODIFY CONDITION
OF AUTHORIZATION FOR HORIZONS 3e**

Horizons-3 License LLC (“Intelsat”),¹ pursuant to Section 25.117 of the Federal Communications Commission’s (“Commission” or “FCC”) rules,² hereby seeks to modify a condition of authorization for the Horizons 3e satellite (Call Sign S2947).³ Specifically, Intelsat requests elimination of the continuity of service obligation imposed on the Horizons 3e satellite (call sign S2751) with respect to the 12.25-12.5 GHz and 14.25-14.5 GHz frequency bands at the 169° E.L. orbital location. All other aspects of the existing authorization for Horizons-3e, including granted waivers, remain unchanged. Intelsat also requests that the FCC file a letter noting the suspension of the associated satellite network filings at the International Telecommunication Union (“ITU”). This request is necessitated by the emergency deorbit of the Intelsat 8 satellite on December 26, 2016.

¹ Horizons-3 License LLC is an indirect wholly owned subsidiary of Intelsat S.A.

² 47 C.F.R. § 25.117.

³ Horizons-3 License LLC, Application for Authority to Launch and Operate Horizons 3e, a Replacement Satellite with New Frequencies, at 169.0° E.L., File No. SAT-LOA-20151202-00080 (filed Dec. 2, 2015) (“*Horizons-3 Application*”).

As explained below, grant of this request is in the public interest and does not raise any spectrum warehousing concerns. Notably, the Horizons 3e satellite is already subject to milestone and bond requirements and is scheduled to be launched in Q3 2018 and operational in Q1 2019. Moreover, Intelsat's customers will not be adversely affected because the Intelsat 805 satellite will continue to provide service at the 169° E.L. orbital location and Intelsat will launch Horizons 3e within a reasonable period of time following the premature loss of Intelsat 8.

In accordance with the requirements of the Commission's rules,⁴ this application has been filed electronically as an attachment to FCC Form 312. To the extent necessary, Intelsat incorporates by reference the technical information previously provided regarding the operations of Horizons 3e, which will remain unchanged.⁵

I. BACKGROUND

On December 2, 2015, Intelsat applied for authority to launch and operate Horizons 3e, a replacement satellite with new frequencies, at the 169.0° E.L. orbital location. As explained in the application, Horizons 3e was intended to replace the Intelsat 8 (call sign S2460) and Intelsat 805 (call sign S2404) satellites,⁶ thus ensuring service continuity and adding new capacity at this orbital location.⁷

On July 6, 2016, the Commission granted Intelsat's Horizons 3e application with the following Condition #17:

Horizons 3e must begin providing service at the 169.0° E.L. orbital location in the 3700-4200 MHz (space-to-Earth), 5925-6425 MHz (Earth-

⁴ 47 C.F.R. § 25.117(c).

⁵ *Horizons 3e Application*.

⁶ *Id.* at 1.

⁷ *Id.* at 2.

to-space), 10.85-11.7 GHz, 12.25-12.75 (space-to-Earth), and 13.75-14.5 GHz (Earth-to-space) frequency bands before the satellites it is replacing, Intelsat 805 (Call sign S2404) and Intelsat 8 (Call sign 2460), discontinue service at the 169.0° E.L. orbital location. Failure to meet this milestone will render this authorization to operate in these frequency bands NULL and VOID.⁸

On December 25, 2016, Intelsat 8 lost all power from the north solar array, which resulted in the inability to keep the payload operational and recharge the satellite batteries. As a result of this anomaly, Intelsat deorbited Intelsat 8 through an emergency procedure on December 26, 2016. Intelsat informed the Commission of the successful deorbit on December 28, 2016.⁹

Intelsat 805, which has considerable overlap in frequencies with Intelsat 8, remains operational at 169.0° E.L. However, as a result of the emergency deorbit of Intelsat 8, two frequency band segments—12.25-12.5 GHz and 14.25-14.5 GHz—will not be used at this location until Horizons 3e is brought into operation.¹⁰

II. PUBLIC INTEREST SHOWING

As a result of the premature failure and emergency deorbit of Intelsat 8, Intelsat can no longer bring Horizons 3e into operation at 169.0° E.L. prior to Intelsat 8 discontinuing service in the 12.25-12.5 GHz and 14.25-14.5 GHz frequencies as required by Condition #17 of the Horizons 3e authorization. Accordingly, Intelsat files this modification application to request elimination of the condition with respect to these frequencies. Doing so will enable Intelsat to

⁸ Application for Authority to Launch and Operate Horizons 3e, a Replacement Satellite with New Frequencies, at 169.0 E.L., File No. SAT-LOA-20151202-00080 (stamp grant July 7, 2016) (“*Horizons 3e Stamp Grant*”).

⁹ Letter from Cynthia J. Grady, Regulatory Counsel, Intelsat Corporation, to Marlene H. Dortch, Secretary, FCC, re Intelsat 8, Call Sign S2460, File No. SAT-MOD-20151021-00073 (filed Dec. 28, 2016).

¹⁰ See *Horizons 3e Legal Narrative* at 8 (describing the frequencies on which Intelsat 8, Intelsat 805, and Horizons 3e operate).

launch and operate the Horizons 3e satellite using the 12.25-12.5 GHz and 14.25-14.5 GHz frequencies as planned.

Grant of this request is in the public interest. Horizons 3e is scheduled for launch in Q3 2018. Allowing Horizons 3e to come into operation as scheduled is the most expedient means to restore service in the 12.25-12.5 GHz and 14.25-14.5 GHz frequency bands following the premature deorbit of Intelsat 8. Because Intelsat 805 remains operational at 169.0° E.L. and operates on almost all of the frequencies on which Intelsat 8 operated, Intelsat can ensure that customers will continue to receive service from 169.0° E.L. pending the arrival of Horizons 3e.¹¹

In addition, grant of the requested waiver will not create any spectrum warehousing concerns. Intelsat 8 was deorbited following an unexpected anomaly and premature failure of the satellite, and not any decision by Intelsat to leave frequencies vacant at 169.0° E.L. Moreover, the Horizons 3e satellite is already under construction and subject to milestone and bond requirements that will ensure that these frequencies are brought back into use in approximately two years.¹²

The relief requested herein is consistent with the Commission's replacement expectancy policy, under which operators are permitted to launch satellites as replacements within a "reasonable time after loss of a space station . . . due to premature failure in orbit."¹³ Pursuant to this policy, the Commission has "authorized emergency replacement satellites in cases where the

¹¹ Additionally, Intelsat has a pending application to re-flag JCSAT-RA to U.S. jurisdiction and to operate the satellite in frequency bands that include 12.25-12.5 GHz and 14.25-14.5 GHz at 169.0° E.L. Application for Authority to Operate JCSAT-RA, An In-Orbit Satellite, at 169.0° E.L., File No. SAT-LOA-20160411-00035 (filed April 11, 2016).

¹² See *Horizons 3e Stamp Grant* at 4. Intelsat has filed a \$3,000,000 bond for Horizons 3e. Horizons 3e Satellite License Bond (filed Aug. 2, 2016), *available at* http://licensing.fcc.gov/cgi-bin/ws.exe/prod/ib/forms/reports/milestone_attachment.hts?f_key=-279961.

¹³ 47 C.F.R. § 25.158(a)(2).

licensee has promptly filed an application to construct, launch, and operate a new satellite that will serve as a replacement.”¹⁴ Here, because Intelsat has already received authorization to launch and operate Horizons 3e, the satellite will undoubtedly be brought into operation within a “reasonable time” after the deorbit of Intelsat 8. Thus, allowing Intelsat to bring Horizons 3e into operation on the authorized timeline and frequencies in its existing license grant would be consistent with the Commission’s emergency replacement policy and the objectives underlying this policy.¹⁵

¹⁴ *Intelsat Licensee LLC*, Memorandum Opinion and Order, 27 FCC Rcd 11234, 11237 ¶ 9 (2012). *See also id.* ¶¶ 12-13 & ¶ 9 n.22 (citing *Loral Spacecom Corp.*, Order and Authorization, 13 FCC Rcd 16438 (Sat. Div. 1998) (granted application filed in April 1997 requesting authority to launch and operate a ground spare as an emergency replacement for the Satcom IV satellite that suffered an in-orbit failure in January 1997); *Volunteers in Technical Assistance*, Order, 12 FCC Rcd 3094 (Int’l Bur. 1997) (granted application filed in January 1996 to launch and operate an emergency replacement satellite for the VITASAT-1 satellite that was destroyed by launch failure in August 1995; replacement satellite to be launched by March 1997); *American Telephone and Telegraph Company*, Order and Authorization, DA 95-1972, 10 FCC Rcd 12132 (Int’l Bur. 1995) (authorizing the launch and operation of Telstar 402R by December 1995, which was to serve as an emergency replacement satellite for the Telstar 402 satellite lost shortly after its launch in September 1994); and *Hughes Communications Galaxy, Inc.*, Memorandum Opinion, Order and Authorization, 8 FCC Rcd 5089 (1993) (granting Hughes’s October 1992 application to construct, launch, and operate an emergency replacement satellite by December 1994 to replace a satellite that failed in August 1992)).

¹⁵ The Commission has found that 47 C.F.R. § 25.161(c), which provides that a space station authorization is terminated upon the “removal or modification of the facilities which renders the station not operational for more than 90 days, unless specific authority is requested,” does not apply to an orbital location left vacant by the deorbit of an authorized satellite. *See, e.g., Petition of Panamsat Licensee Corp. for Specific Authority under Section 25.161(c) for C and Ku-band Frequencies at the Nominal 72° E.L. Orbital Location*, Memorandum Opinion and Order, 27 FCC Rcd 2479, 2483 ¶ 11 (2012). Because Intelsat 8 was deorbited, Intelsat assumes that Section 25.161(c) does not apply in the present case. To the extent the Commission determines that Section 25.161(c) is applicable, Intelsat has filed this letter within 90 days of the deorbit of Intelsat 8, and hereby seeks the requisite authority to maintain its authorization for 12.25-12.5 GHz and 14.25-14.5 GHz at the nominal 169° E.L. orbital location.

III. INTERNATIONAL TELECOMMUNICATION UNION

Intelsat also requests that the FCC submit to the ITU a notice of suspension of the satellite network filings for the 12.25-12.5 GHz and 14.25-14.5 GHz frequencies at the 169.0° E.L. orbital location under provision No.11.49 of the Radio Regulations. Suspension is appropriate here to preserve the filings for Intelsat's future resumption of operations. As noted above, Intelsat will bring the filings back in to use within the three year timeframe permitted by the ITU.

IV. CONCLUSION

For the foregoing reasons, Intelsat respectfully requests that the Commission grant this application to modify Condition #17 of the Horizons 3e license to remove the 12.25-12.5 GHz and 14.25-14.5 GHz bands.

Respectfully submitted,

Intelsat License LLC

By: /s/ Susan H. Crandall

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January 13, 2017

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

Horizons-3 License LLC is indirectly wholly owned by Intelsat S.A. The Commission previously approved foreign ownership in Intelsat S.A., in the *Intelsat-Serafina Order*.¹ In December 2009 and October 2011, the Commission also approved *pro forma* changes in Intelsat S.A.'s foreign ownership.² There have been no other material changes to Intelsat S.A.'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

Horizons-3 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 Horizons-3 License LLC are as follows:

Officers:

Kurt Riegelman, Chairman, President and Chief Operating Officer
Stephen Chernow, Vice President and General Counsel
Michael Green, Vice President and Controller
Henry Heuer, Vice President, Treasury and Tax, and Treasurer
Sajid Ajmeri, Vice President and Secretary.

Board of Managers:

Kurt Riegelman
Stephen Chernow
Michael Green

The business address of all Horizons-3 License LLC officers and members of the Board of Managers is: 7900 Tysons One Place, McLean, VA 22102.

Horizons-3 License LLC is a Delaware limited liability company that is wholly owned by Intelsat Horizons-3 Corporation, a Delaware corporation. Intelsat Horizons-3 Corporation is wholly owned by Intelsat Corporation, a Delaware corporation. Intelsat Corporation 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 the Delaware entities may be contacted at the following address: 7900 Tysons One Place, McLean, VA 22102. Each of the Luxembourg 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 fully consummated.