

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”),¹ hereby seeks to modify the authorization for the Intelsat 5 satellite (Call Sign S2704). Specifically, this modification seeks authority to redeploy Intelsat 5 to, and operate the satellite in inclined orbit² at, 137.0° W.L. (223.0° E.L).

In accordance with the Commission’s rules, this application has been filed electronically as an attachment to FCC Form 312.³ Intelsat provides the technical information relating to the proposed modification on Schedule S and in narrative form in the attached Engineering Statement.⁴

¹ 47 C.F.R. § 25.117.

² Intelsat 5 began inclined orbit operations in 2012. *See* Letter from Susan H. Crandall, Assistant General Counsel, Intelsat Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-MOD-20121002-00176 (Oct. 24, 2012).

³ 47 C.F.R. §§ 25.117(b), (c).

⁴ *See* 47 C.F.R. § 25.114.

I. REQUEST TO RELOCATE INTELSAT 5 TO 137.0° W.L.

Intelsat requests authority to relocate Intelsat 5 to, and operate the satellite at, 137.0° W.L. Intelsat is seeking to relocate the Intelsat 5 satellite to a new role after the successful redeployment of Intelsat 1R to 157.1° E.L. Intelsat 5 is currently drifting to 93.2° W.L.⁵ The FCC recently made available for reassignment the C-band frequencies at 137° W.L.,⁶ which provides a new opportunity for the Intelsat 5 satellite. Intelsat will request 30-day and 180-day grants of Special Temporary Authority (“STA”) to drift Intelsat 5 to 137° W.L. instead of 93.2° W.L. and to operate Intelsat 5 upon arrival at 137.0° W.L., which is expected to occur in late May 2018.

Intelsat 5’s specific telemetry, tracking, and control (“TT&C”) frequencies are as follows:

Uplink	Downlink
13999 MHz	11451 MHz
14498 MHz	11452 MHz
	11454 MHz

The specific communications frequencies on Intelsat 5 are as follows⁷:

Uplink	Downlink
5925-6425 MHz	3700-4200 MHz
14000-14250 MHz	11450-11700 MHz ⁸

⁵ See File No. SAT-STA-20180410-00027 (granted Apr. 13, 2018). Prior to the drift, Intelsat 5 operated at 156.9° E.L. See *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01236, File No. SAT-MOD-20170331-00057 (May 5, 2017).

⁶ See *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01313 (Apr. 27, 2018).

⁷ The Intelsat 5 spacecraft includes the 12750-13250 MHz, 10700-10950 MHz, and 11200-11450 MHz frequency bands; however, Intelsat does not currently plan to use these bands at 137.0° W.L.

II. PUBLIC INTEREST SHOWING

Grant of this modification application to relocate and operate Intelsat 5 at 137.0° W.L. will serve the public interest by enabling Intelsat to provide new capacity at the 137.0° W.L. orbital location.

Grant of this relocation request will not result in an increased risk of harmful interference. Intelsat will operate Intelsat 5's communications payload and TT&C frequencies at 137.0° W.L. in conformance with any relevant coordination agreements and the FCC's rules governing operations vis-à-vis adjacent locations.

III. ITU COST RECOVERY

Intelsat is aware that processing fees are currently charged by the International Telecommunication Union ("ITU") for satellite filings, and that Commission applicants are responsible for any and all fees charged by the ITU.⁹ 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.

IV. WAIVER REQUEST

Intelsat requests that the waiver of Section 25.114(c)(4)(vi)(A) of the FCC's rules, requiring applicants to provide predicted space station antenna gain contours for each transmit

⁸ Intelsat will submit to the Commission Appendix 4 information for a new satellite network for the Ku-band frequencies at the nominal orbital location of 137° W.L. *See* Engineering Statement at 4.

⁹ *See* 47 C.F.R. § 25.111(d).

and receive antenna beam requested, previously granted for Intelsat 5 be extended to the satellite at 137.0° W.L.¹⁰

Additionally, Intelsat requests waiver of Section 2.106, Footnote NG52 of the U.S. Table of Allocations, which restricts the use of the 11450-11700 MHz bands by the non-federal Fixed Satellite Service (“FSS”) in the geostationary orbit to international systems only.¹¹ Under Section 1.3 of the Commission’s rules, the Commission has authority to waive its rules “for good cause shown.”¹² 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.¹³ In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”¹⁴ Additionally, a waiver of the Table of Allocations is generally granted “when there is little potential interference into any service authorized under the Table of Frequency allocations and when the nonconforming operator accepts any interference from authorized services.”¹⁵

¹⁰ See 47 C.F.R. § 25.114(c)(4)(vi)(A); *Application of Intelsat License LLC to Modify Authorization for Intelsat 5 (S2704)*, Stamp Grant, File No. SAT-MOD-20170331-00057, Condition 9 (May 4, 2017).

¹¹ 47 C.F.R. § 2.106, fn. NG52.

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

¹³ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁴ *WAIT Radio*, 418 F.2d at 1159.

¹⁵ See *The Boeing Company*, Order and Authorization, 16 FCC Rcd 22645, 22651 (Int’l Bur. & OET 2001); *Application of Fugro-Chance, Inc. for Blanket Authority to Construct and Operate a Private Network of Receive-Only Mobile Earth Stations*, Order and Authorization, 10 FCC Rcd 2860, 2860 (Int’l Bur. 1995) (authorizing MSS in the C-band); see also *Application of Motorola Satellite Communications, Inc. for Modification of License*, Order and Authorization,

Good cause exists to waive the international-only requirements for the 11450-11700 MHz frequency band on Intelsat 5. The purpose of NG52 is to limit the number of the FSS earth stations with which the co-primary FS would need to coordinate.¹⁶ The International Bureau has found that waiving NG52 would not undermine the purpose of the rules if the party seeking a waiver: (1) will be utilizing earth stations that are receive-only in these bands and thus “not capable of causing interference into FS stations” operating in the bands; and (2) agrees to “accept any level of interference from FS stations” in these bands.¹⁷

With respect to the 11450-11700 MHz band, grant of the requested waiver satisfies these criteria and would be consistent with precedent.¹⁸ The earth stations operating in both these bands on Intelsat 5 will not transmit and Intelsat agrees to accept any level of interference into those earth stations from FS stations in the band. Intelsat will provide services in the 11450-11700 MHz frequency band only on a non-interference/non-protected basis. Accordingly, the earth stations operating in these bands pose no interference concerns with respect to co-

11 FCC Rcd 13952, 13952-13956 (Int’l Bur. 1996) (authorizing service to fixed terminals in bands allocated the mobile satellite service).

¹⁶ See *Amendment of Part 2 of The Commission’s Rules to Conform, to the Extent Practicable, with the Geneva Radio Regulations, as Revised by the Space WARC, Geneva*, Report and Order, 26 RR 2d 1257, ¶¶ 35-38 (1973). See also *EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 83° W.L. Orbital Location*, Order and Authorization, 20 FCC Rcd 919, ¶ 9 (Int’l Bur. 2004) (“EchoStar 83° Waiver”).

¹⁷ EchoStar 83° Waiver, ¶ 13.

¹⁸ See, e.g., *DIRECTV Enterprises, LLC, Fleet Management Notice for SKY-B1 Satellite*, Stamp Grant, File No. SAT-MOD-20170221-00019, Condition 10 (May 11, 2017).

frequency FS stations and therefore will not need to be coordinated with FS stations located within United States and its territories.

Intelsat also agrees to abide by the customer notification requirements that the International Bureau has previously imposed when granting waivers of NG52.¹⁹ Intelsat will inform its customers in writing, including any customers receiving end-user services from resellers accessing capacity on Intelsat 5, of the potential for interference from FS operations in the 11450-11700 MHz band.

V. 11450-11700 MHZ FREQUENCY BAND

Intelsat understands that operations in the 11450-11700 MHz frequency band are subject to certain limitations and obligations, which Intelsat accepts and will fulfill.

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.

VI. MILESTONE AND BOND REQUIREMENTS

Because Intelsat 5 is already in-orbit and operating, grant of this modification application is not subject to milestone conditions, and Intelsat is not required to post a bond under Sections 25.164(a) and 25.165 of the Commission's rules.²⁰ As such, there is no risk of warehousing.

¹⁹ See, e.g., *id.*; *Intelsat North America Request for Waiver*, Stamp Grant, File No. SAT-MOD-20050610-00122, Condition 3 (Sept. 30, 2005); *EchoStar 83° Waiver*, ¶ 13.

²⁰ See 47 C.F.R. §§ 25.164(a) and 25.165.

VII. 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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May 1, 2018

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).

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:

Jacques Kerrest, Chairman
Franz Russ, Deputy Chairman
Michelle Bryan, Secretary
Mirjana Hervy, Director, Finance

Board of Managers:

Jacques Kerrest
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 Connect Finance S.A., a Luxembourg company. Intelsat Connect Finance 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 fully consummated.