



INTELSAT.

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August 30, 2018

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Application to Modify Authorization for Intelsat 5
Call Sign S2704
File No. SAT-MOD-20180501-00036

Dear Ms. Dortch:

Intelsat License LLC (“Intelsat”), hereby supplements its above-referenced Application to add a request for waiver of the Federal Communications Commission’s (“FCC” or “Commission”) rules, to the extent necessary, for the reasons set forth below.

Intelsat requests waiver of Section 25.210(f) of the Commission’s rules, which requires full frequency reuse for Intelsat 5’s use of the spacecraft’s 11450-11700 MHz and 13750-14500 MHz bands. Under Section 1.3 of the Commission’s rules, the FCC has authority to waive its rules “for good cause shown.”¹ 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.² In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”³ As shown below, there is good cause to waive Section 25.210(f).

Intelsat 5 employs full frequency reuse through the use of orthogonal polarization within the same beam and/or through the use of spatially isolated beams in all bands except the 11450-11700 MHz and 13750-14500 MHz bands. As such, Intelsat 5 is compliant with Section 25.210(f) of the Commission’s rules in all bands except for the 11450-11700 MHz and 13750-14500 MHz bands. When Intelsat 5 (then known as PAS-9) was launched in 1997, the design of the spacecraft did not include the use of orthogonal polarization within the same beam and/or through the use of spatially isolated beams for the 11450-11700 MHz and 13750-14500 MHz bands. This was likely due to customer requirements and the launch mass constraint on the satellite. For reasons that are not clear to

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

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

³ *WAIT Radio*, 418 F.2d at 1159.

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Intelsat, the satellite's initial license application – filed by PanAmSat Licensee Corporation – did not include a waiver request and the satellite was nevertheless licensed in 1997.

Because Intelsat 5 is already on orbit, it is impossible for Intelsat to fully confirm to the requirements of Section 25.210(f). Further, grant of Intelsat's waiver request will allow Intelsat to continue providing on-orbit capacity at 137° W.L., which serves the public interest. Accordingly, there is good cause for waiver of Section 25.210(f) in this case.

Please direct any further questions regarding this supplement to the undersigned at (703) 559-6949.

Sincerely,

/s/ Cynthia J. Grady

Cynthia J. Grady
Regulatory Counsel
Intelsat US LLC

cc: Steven Duall
Jay Whaley
Christopher Bair