

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application to Modify Authorization for  
Intelsat 39 (S3023)

File No. SAT-MOD- \_\_\_\_\_

**APPLICATION OF INTELSAT LICENSE LLC  
TO MODIFY AUTHORIZATION FOR INTELSAT 39**

Intelsat License LLC (“Intelsat”), pursuant to Section 25.117 of the rules of the Federal Communications Commission (“FCC” or “Commission”),<sup>1</sup> hereby seeks to modify the authorization for the Intelsat 39 satellite (Call Sign S3023). Specifically, this modification application seeks permanent authority to operate Intelsat 39 at the 61.95° E.L. orbital location instead of its currently authorized location of 62.0° E.L.<sup>2</sup> Intelsat further requests a determination from the Commission that Intelsat has satisfied its milestone requirement to launch and operate Intelsat 39. All other information previously provided for the operation of Intelsat 39 at 62.0° E.L. remains unchanged.<sup>3</sup> This minor fleet management relocation will serve the public interest by meeting customer demand, ensuring continuity of service at the nominal 62.0° E.L. orbital location, and allowing Intelsat to efficiently manage its fleet.

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<sup>1</sup> 47 C.F.R. § 25.117.

<sup>2</sup> *See Policy Branch Information; Actions Taken*, Report No. SAT-01326, File No. SAT-LOA-20171205-00164 (June 29, 2019) (Public Notice).

<sup>3</sup> *See id.*

In accordance with the requirements of the Commission's rules, 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 in the attached Engineering Statement, pursuant to Section 25.114 of the Commission's rules.<sup>4</sup>

## **I. REQUEST TO OPERATE INTELSAT 39 AT 61.95° E.L.**

Intelsat requests authority to operate Intelsat 39 at 61.95° E.L. On September 18, 2019, the Commission granted Intelsat Special Temporary Authority ("STA"), commencing September 20, 2019, to conduct in-orbit testing ("IOT") and operate the satellite at 61.95° E.L.<sup>5</sup> Intelsat 39 arrived on-station on October 4, 2019 where it completed IOT and was placed into service on October 14, 2019.

## **II. PUBLIC INTEREST SHOWING**

Grant of this modification application is in the public interest because it will allow Intelsat to make a minor fleet management relocation to optimize coverage, elevation angles, and service availability, which will thereby ensure continuity of service at the nominal 62.0° E.L. orbital location, while meeting customer demand, increasing service offerings, and allowing Intelsat to efficiently manage its fleet.

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<sup>4</sup> 47 C.F.R. § 25.114.

<sup>5</sup> See *Policy Branch Information; Actions Taken*, Report No. 01415, File No. SAT-STA-20190820-00078 (Sept. 20, 2019). Intelsat recently filed a timely request for extension of this STA. See Intelsat License LLC Request for an Additional 60 days of Special Temporary Authority to Operate Intelsat 39 at 61.95° E.L., File No. SAT-STA-20191015-00114 (filed Oct. 15, 2019).

### III. NOTICE OF RESULTS OF IN-ORBIT TESTING AND ARRIVAL ON-STATION

In accordance with the Commission's rules,<sup>6</sup> Intelsat hereby notifies the Commission that it completed IOT of Intelsat 39 on October 11, 2019; the satellite arrived on-station at 61.95° E.L. on October 4, 2019; Intelsat 39's operational performance is consistent with its license at 62.0° E.L.; and the satellite is capable of using all of its assigned frequencies.

Intelsat herein requests a determination from the Commission that, since Intelsat 39 has commenced operations at 61.95° E.L., Condition 20 of the *Intelsat 39 Grant*, which requires Intelsat to comply with the bond and milestone rules set forth in Sections 25.164 and 25.165 of the Commission's rules,<sup>7</sup> has been satisfied and, as a result, Intelsat may release the bond for Intelsat 39. However, in an abundance of caution and to the extent necessary, Intelsat requests a waiver of Condition 20 of the *Intelsat 39 Grant* and Sections 25.164(a) and 25.165 of the Commission's rules.<sup>8</sup>

The Commission may grant a waiver for good cause shown.<sup>9</sup> The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.<sup>10</sup> In granting a waiver, the Commission may take into account considerations of

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<sup>6</sup> 47 C.F.R. §§ 25.121, 25.173.

<sup>7</sup> See Intelsat License LLC Application for Authority to Launch and Operate Intelsat 39, a Replacement Satellite with New Frequencies, File No. SAT-LOA-20171205-00164 at Condition # 20 (stamp grant issued June 26, 2018 by Stephen J. Duall) ("*Intelsat 39 Grant*").

<sup>8</sup> See *id.*; 47 C.F.R. §§ 25.164(a), 25.165.

<sup>9</sup> 47 C.F.R. § 1.3.

<sup>10</sup> *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>11</sup>

Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

To the extent necessary, good cause exists to waive Condition 20 of the *Intelsat 39 Grant* and Sections 25.164(a) and 25.165 of the Commission's rules. The purpose this condition and the related rules is to prevent spectrum warehousing of unoccupied frequencies. Here, the Commission has already determined that "Intelsat 39's move to the 61.95° E.L. orbital location does not raise warehousing concerns since Intelsat will provide the same service at 61.95° E.L. as it would have at 62.0° E.L."<sup>12</sup> Additionally, Intelsat has dutifully posted and maintained an escalating bond for Intelsat 39. Causing Intelsat to forfeit its bond due to a minor 0.05-degree fleet management relocation would be an undue and unjust hardship without serving underlying policy objectives. Accordingly, Intelsat requests, to the extent necessary, that the FCC waive the bond requirement at 61.95° E.L. and make the determination that Intelsat may release the bond associated with Intelsat 39's license to operate at 62.0° E.L.

#### **IV. INTELSAT ACCEPTS SECTION 316 PETITION CONDITIONS**

Intelsat understands and accepts that its license to operate Intelsat 39 at 61.95° E.L., with the exception of the 10700-10950 MHz, 11200-11450 MHz, 12250-12750 MHz, 13000-13250 MHz, and 13750-14000 MHz frequencies, will continue to be conditioned as follows:

- a. Intelsat shall remain a signatory to the Public Services Agreement between Intelsat and the International Telecommunications Satellite Organization

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<sup>11</sup> *WAIT Radio v. FCC*, 419 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>12</sup> See Intelsat License LLC Request for Special Temporary Authority to Conduct In-Orbit Testing of Intelsat 39 at 61.95 E.L. and to Operate Intelsat 39 at 61.95 E.L., File No. SAT-STA-20190820-00078 at n.3 (stamp grant issued Sept. 18, 2019 by Stephen J. Duall) (granted in part and denied in part).

(“ITSO”) that was approved by the ITSO Twenty-fifth Assembly of Parties, as amended.

- b. No entity shall be considered a successor-in-interest to Intelsat under the ITSO Agreement for licensing purposes unless it has undertaken to perform the obligations of the Public Services Agreement approved by the Twenty-fifth Assembly of Parties, as amended.

## **V. CONCLUSION**

For the reasons set forth above, Intelsat respectfully requests that the Commission grant this modification application, issue the requested determinations, and, to the extent necessary, grant the requested waivers.

Respectfully submitted,

Intelsat License LLC

By: /s/ Susan H. Crandall

Jennifer D. Hindin  
Madeleine M. Lottenbach  
WILEY REIN LLP  
1776 K Street, N.W.  
Washington, D.C. 20006

Susan H. Crandall  
Associate General Counsel  
Intelsat US LLC

Cynthia J. Grady  
Senior Counsel  
Intelsat US LLC

October 24, 2019

## Exhibit A

### FCC Form 312, Response to Question 34: Foreign Ownership

The Commission previously approved Intelsat's ownership structure, including foreign ownership.<sup>1</sup> There have been no material changes to Intelsat's ownership since the *2018 Pro Forma*.

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<sup>1</sup> 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 22151 (2007) ("*Intelsat-Serafina Order*"); *Intelsat Application for Pro Forma Transfer of Control*, File Nos. SAT-T/C-20180627-00048, SAT-T/C-20180627-00049, SES-T/C-20180627-01430, SES-T/C-20180627-01436, SES-T/C-20180627-01433 (granted June 29, 2018), 0008216564 (granted June 28, 2018) and 0037-EX-TU-2018 (granted June 29, 2018) ("*2018 Pro Forma*").

## **Exhibit B**

### **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:

David Tolley, Chairman  
José Toscano, Deputy Chairman  
Michelle Bryan, Secretary  
Mirjana Hervy, Director, Finance

Board of Managers:

David Tolley  
José Toscano  
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 indirectly wholly owned by Intelsat S.A. Specifically, Intelsat License LLC is wholly owned by Intelsat License Holdings LLC, also a Delaware limited liability company. Intelsat License Holdings LLC is wholly owned by Intelsat Ventures S.à r.l., a Luxembourg company, which is in turn wholly owned by Intelsat Alliance LP, a Delaware limited partnership. Intelsat Alliance LP is indirectly 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, which in turn is wholly owned by Intelsat Envision Holdings LLC, a Delaware limited liability company. Intelsat Envision Holdings LLC 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, which in turn is wholly owned by Intelsat Holdings S.A., a Luxembourg company. Intelsat Holdings S.A. is wholly owned by 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. is a publicly traded company. To the best of Intelsat's knowledge, and with the exception of BC Partners Holdings Limited ("BCP"), described below, no person or entity holds a ten percent or greater ownership interest in Intelsat S.A. as of October 16, 2019.

Name: BCP  
Address: Heritage Hall, Le Marchant Street, St Peter Port, Guernsey, Channel Islands  
Citizenship: Guernsey  
Indirect Interest: Approximately 39-40%<sup>1</sup>

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<sup>1</sup> The exact indirect interest held by BCP is subject to fluctuation as Intelsat S.A.'s stock is publicly traded.