

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application to Modify Authorization for
Horizons 2 (S2423)

File No. SAT-MOD- _____

APPLICATION OF INTELSAT LICENSE LLC
TO MODIFY AUTHORIZATION FOR HORIZONS 2

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 Horizons 2 satellite (Call Sign S2423). Specifically, this modification seeks authority to redeploy Horizons 2 to, and operate the satellite at, 73.8° W.L. (286.2° E.L.).² Grant of this application will enable Intelsat to provide new capacity at the nominal 74° W.L. orbital location.

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 will separately submit a letter notifying the Commission that it has not, and is not, waiving or otherwise relinquishing its 11.7-12.2 GHz band frequency rights at the nominal 85° E.L. orbital location.

³ 47 C.F.R. §§ 25.117(b), (c).

⁴ See 47 C.F.R. § 25.114.

I. REQUEST TO RELOCATE HORIZONS 2 TO 73.8° W.L.

Intelsat requests authority to relocate Horizons 2 to, and operate the satellite at, 73.8° W.L. Horizons 2 is currently licensed to operate at 84.85° E.L.⁵ and, subject to receipt of Commission authority, will begin drifting from 84.85° E.L. to 73.8° W.L. pursuant to Special Temporary Authority on January 24, 2020.⁶ The drift to 73.8° W.L. is expected to take approximately three months.

During the drift of Horizons 2, Intelsat will utilize only the satellite's telemetry, tracking, and command ("TT&C") frequencies and will follow industry practices for coordinating TT&C transmissions during the relocation process. Horizons 2's specific TT&C frequencies are as follows: 12196.0 MHz and 12198.625 MHz (space-to-Earth); and 14000.5 MHz and 14499.5 MHz (Earth-to-space).

Once located at 73.8° W.L., Horizons 2 will also operate on the following communications frequencies: 11700-12200 MHz (space-to-Earth) and 14000-14500 MHz (Earth-to-space).

II. PUBLIC INTEREST SHOWING

Grant of this modification application to relocate Horizons 2 is in the public interest, because it will allow Intelsat to provide new capacity for customers at the nominal 74° W.L. location.

⁵ *Policy Branch Information, Actions Taken*, Public Notice, Report No. SAT-00842, IBFS File No. SAT-MOD-20110928-00190, Call Sign S2423 (Feb. 3, 2012).

⁶ Intelsat License LLC, Request for Special Temporary Authority to Drift Horizons 2 to 73.8° W.L., Call Sign S2423, IBFS File No. SAT-STA-20200109-00007 (filed Jan. 9, 2020).

Grant of this relocation request will not result in an increased risk of harmful interference. As noted above, Intelsat will operate only at the above-listed TT&C frequencies during the drift and will coordinate its TT&C transmissions with operators of satellites in the drift path. Should any interference occur during the drift, Intelsat will take all reasonable steps to eliminate such interference. Intelsat will operate Horizons 2's communications payload and TT&C frequencies at 73.8° W.L. in conformance with applicable coordination agreements and the FCC's rules governing operations vis-à-vis adjacent locations.

III. WAIVER REQUEST

Intelsat requests waiver of Section 25.165(f) of the Commission's rules,⁷ which requires a surety bond when an applicant submits a Coordination Request ("CR") pursuant to 47 C.F.R. § 25.110(b) (an "application-stage bond"). The Commission will release the application-stage bond once a timely filed FCC application has been accepted for filing.⁸ Intelsat previously submitted to the FCC a CR for an International Telecommunication Union ("ITU") filing for the nominal 74.0° W.L. orbital location—USASAT-55E-2.⁹ However, a public notice announcing submission of the CR to the ITU, which would trigger the due date for the application-stage bond,¹⁰ has not yet been published in the Federal Register.

⁷ 47 C.F.R. § 25.165(f).

⁸ See *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713, 14728 (2015) ("*Second Report and Order*").

⁹ USASAT-55E-2 ITU Coordination Request, Notice ID 119520364 (filed Dec. 5, 2019), available at <https://www.itu.int/ITU-R/space/asreceived/Publication/AsReceived>.

¹⁰ See *Second Report and Order* at 14729.

Under Section 1.3 of the Commission’s rules, the Commission has authority to waive its rules “for good cause shown.”¹¹ 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.¹² In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”¹³

Good cause exists to waive the application-stage bond requirement for Intelsat’s USASAT-55E-2 CR submission. The purpose Section of 25.165(f) is to prevent spectrum warehousing of unoccupied frequencies during the ITU filing stage.¹⁴ The Commission has determined that it would “release the application-stage bond upon finding that a timely filed application is acceptable for filing.”¹⁵ Upon acceptance for filing, this modification application will satisfy the FCC’s application-stage bond release requirement—even prior to Intelsat having posted an application-stage bond—and effectively nullifies any warehousing concerns during the ITU filing stage. Accordingly, Intelsat requests that the Commission waive the application-stage bond requirement, because in the instant case the requested waiver would be a more effective implementation of the Commission’s surety bond policies than strict adherence to Section 25.165(f).

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

¹² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹³ *WAIT Radio*, 418 F.2d at 1159.

¹⁴ *See Second Report and Order* at 14728.

¹⁵ *Id.*

IV. REQUEST FOR GRANT WITHOUT MILESONES OR A BOND

Since Horizons 2 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.¹⁶

V. CONCLUSION

For the reasons set forth above, Intelsat respectfully requests that the Commission grant this modification application and the associated waiver request.

Respectfully submitted,

Intelsat License LLC

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January 14, 2020

¹⁶ See 47 C.F.R. §§ 25.164(a) and 25.165.

Exhibit A

FCC Form 312, Response to Question 34: Foreign Ownership

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

¹ 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 Jun. 29, 2018), 0008216564 (granted Jun. 28, 2018) and 0037-EX-TU-2018 (granted Jun. 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%¹

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