

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC, as debtor in
possession

Application to Modify Authorization for
Galaxy 30 (S3016)

File No. SAT-MOD- _____

APPLICATION TO MODIFY AUTHORIZATION FOR GALAXY 30

Intelsat License LLC, as debtor in possession (“Intelsat”), pursuant to Section 25.117 of the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ hereby seeks to modify the authorization for the Galaxy 30 satellite (Call Sign S3016). On November 14, 2018, the Commission authorized the launch and operation of Galaxy 30,² a C-band replacement satellite with new L-, C-, Ku-, and Ka-band frequencies, at the 125.0° W.L. (235.0° E.L.) orbital location.³ By this modification application, Intelsat seeks to (1) update the telemetry, tracking, and control (“TT&C”), and the Wide Area Augmentation System (“WAAS”), and Ka-band frequencies; (2) update various technical details previously provided in the original application;

¹ 47 C.F.R. § 25.117.

² Galaxy 30 was formerly known as Galaxy 14R.

³ See *Satellite Policy Branch Information; Actions Taken*, Report No. SAT-01359, File Nos. SAT-AMD-20180410-00026 and SAT-LOA-20170524-00079 (Nov. 16, 2018) (granted in part and denied in part) (“Galaxy 30 License”).

and (3) requests a waiver of the Table of Allocations for use of the 12750-13250 MHz band.⁴ All other information provided in the original application, as amended, remains unchanged.⁵

In accordance with the requirements of the Commission's rules,⁶ 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.

I. OPERATIONAL FREQUENCIES

Intelsat seeks to update certain frequencies in the Galaxy 30 authorization to reflect design changes since the Galaxy 30 License was issued. Specifically, the Galaxy 30 satellite will utilize the 6421.75 MHz and 6424.25 MHz (Earth-to-space), and 4197.5 MHz and 4198.5 MHz (space-to-Earth) frequencies for TT&C; and 6598.58-6618.58 MHz and 6649.73-6669.73 MHz (Earth-to-space), and 1166.45-1186.45 MHz and 1565.42-1585.42 MHz (space-to-Earth) frequencies for the WAAS payload. Additionally, one of the satellite's Ka frequency bands has changed—the satellite will operate in the 27600-28600 MHz band instead of the 27500-28600 MHz band. All other frequencies remain unchanged.

⁴ See *id.* (noting the request for waiver of the Table of Allocations for the use of 10950-11200 MHz, 11450-11700 MHz, 17800-18300 MHz, and 18800-19300 MHz frequency bands).

⁵ On May 13, 2020, Intelsat S.A.—the ultimate parent of Intelsat—and thirty-four of its subsidiaries, including Intelsat, each commenced a voluntary case under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Virginia (Case No. 20-32299 (KLP)). Subsequently, in connection with the Chapter 11 cases, the subsidiaries of Intelsat S.A. holding FCC licenses or authorizations, including Intelsat, filed for pro forma assignment and transfer of control of those licenses to their respective debtors, as debtors-in-possession. See *e.g.*, Application for Pro Forma Assignment of Intelsat License LLC's Space Station Authorizations, IBFS File No. SAT-ASG-20200522-00048 (granted June 3, 2020). There are no other changes to the corporate structure of Intelsat.

⁶ 47 C.F.R. § 25.117(b), (c).

II. TECHNICAL STANDARDS

This modification application also seeks to update various technical details previously provided in the original application, as amended, to reflect changes made since grant of the Galaxy 30 space station authorization.⁷ Specifically, Intelsat (1) updates the maximum downlink effective isotropic radiated power in the 1559-1610 MHz and 1151-1214 MHz frequency bands; (2) updates the bandwidth of the WAAS payload; (3) adds a new ULPC beacon at 4199.95 MHz; (4) updates the receiving C-band Channel 23 bandwidth to 43 MHz; and (5) updates the GXT/GIMS file for the C-band G/T uplink in Schedule S. These changes are reflected in the accompanying Engineering Statement and Schedule S.

III. WAIVER REQUEST

Pursuant to the Galaxy 30 License, Intelsat may only provide service outside the United States in the 12750-13250 MHz band in accordance with NG52 of the Table of Allocations.⁸ Intelsat herein requests waiver of Footnote NG52 of the Table of Allocations,⁹ which restricts the use of the 12750-13250 MHz band by the non-federal fixed satellite service (“FSS”) in the geostationary orbit to international systems only.¹⁰

⁷ See Galaxy 30 License.

⁸ *Id.*, Condition 7; 47 C.F.R. § 2.106, fn. NG52.

⁹ 47 C.F.R. § 2.106, fn. NG52. Footnote NG52 was formerly footnote NG104.

¹⁰ Intelsat previously requested a waiver of footnote NG52 to use the 12.75-13.25 GHz band to offer domestic services on an unprotected, non-harmful interference basis at 125.0° W.L. The Commission denied Intelsat’s waiver request, without prejudice, citing lack of justification. See Galaxy 30 License.

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 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."¹⁴

Good cause exists to waive the international only requirement for the 12750-13250 MHz frequency band on Galaxy 30. The purpose of NG52 is to limit the number of the FSS earth stations with which the co-primary fixed service ("FS") would need to coordinate.¹⁵ Grant of the requested waiver would not undermine the purpose of the rule and would be consistent with

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 *The Boeing Company*, Order and Authorization, 16 FCC Rcd 22645, 22651 (Int'l Bur. & OET 2001)(citing *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 (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, 11 FCC Rcd 13952-13956 (Int'l Bur. 1996) (authorizing service to fixed terminals in bands allocated to MSS).

¹⁵ 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, 1971*, Report & Order, 26 RR 2d 1257, 1263-65 (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").

precedent.¹⁶ In the 12750-13250 MHz band, only a limited number of gateway earth stations will be operating within United States and its territories. Intelsat will coordinate the operation of these earth stations with other authorized systems. If mutually agreeable coordination conditions cannot be achieved, Intelsat will operate these earth stations on a non-interference and nonprotected basis with respect to any other FCC authorized station.

Moreover, in the 12750-13250 MHz frequency band, Intelsat will operate Galaxy 30 in accordance with the provisions of Appendix 30B of the International Telecommunication Union Radio Regulations pertaining to FSS Plan frequencies. Consequently, any space stations receiving in this frequency band would be protected from interference.

IV. PUBLIC INTEREST SHOWING

Grant of this modification application to update the frequencies and various technical details for Galaxy 30, as well as authorize use of the 12750-13250 MHz band in the United States, is in the public interest because it will enhance quality of service to consumers from the 125.0° W.L. orbital location. Galaxy 30 is a replacement satellite for Galaxy 14 and, with the upcoming launch scheduled for August 2020, Intelsat stands ready to deploy this replacement satellite to the 125.0° W.L. orbital location before Galaxy 14 reaches the end of its useful life or is relocated. The modifications requested in this application will ensure the satellite is able to operate consistent with the capabilities of the spacecraft, thereby providing optimal service to customers and enabling Intelsat to further expand its service offerings in the region. This modification application therefore serves the public interest.

¹⁶ See *Policy Branch Information; Actions Taken*, Report No. SAT-01212, Report No. SAT-MOD-20160916-00091 at Condition 22 (Jan. 27, 2017) (Public Notice).

V. MILESTONE AND REQUIREMENTS

Galaxy 30 is already subject to the milestone and bond posting requirements set forth in Sections 25.164 and 25.165 of the Commission's rules. Further, Intelsat has posted and maintained the escalating surety bond for the satellite. Intelsat understands and accepts that its future license to operate Galaxy 30 will continue to be subject to the milestone and bond conditions currently placed on the Galaxy 30 satellite until such time that the milestone and bond requirements are met and the Commission permits Intelsat to release the surety bond.

VI. CONCLUSION

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

Respectfully submitted,

Intelsat License LLC, as debtor in possession

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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 2012, the International Bureau authorized the transfer of control of Intelsat.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 *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, 27 FCC Rcd 5,226 (2012). The transfer of control was fully consummated on June 14, 2018. See Letter from Jennifer D. Hindin, Counsel for Intelsat, to Marlene H. Dortch, FCC, IB Docket No. 11-205 (filed June 14, 2018).

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 and Intelsat License LLC, as debtor in possession, 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 and Intelsat License LLC, as debtor in possession, officers and members of the Board of Managers is 4, rue Albert Borschette L-1246 Luxembourg.

Intelsat License LLC and Intelsat License LLC, as debtor in possession, are Delaware limited liability companies that are indirectly wholly owned by Intelsat S.A. Specifically, Intelsat License LLC and Intelsat License LLC, as debtor in possession, are 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 managed by one general partner and two limited partners—Intelsat Genesis GP LLC, Intelsat Genesis Inc., and Intelsat Jackson Holdings S.A., respectively. Intelsat Genesis GP LLC is a Delaware limited liability company, which is a wholly owned by Intelsat Genesis Inc., a Delaware corporation.

Intelsat Genesis Inc. is a wholly owned subsidiary of 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 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. 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 April 28, 2020.

Name:	BCP
Address:	Heritage Hall, Le Marchant Street, St Peter Port, Guernsey, Channel Islands
Citizenship:	Guernsey
Indirect Interest:	Approximately 34% ¹

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