

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 TO MODIFY AUTHORIZATION FOR INTELSAT 5

Intelsat License LLC, as debtor in possession (“Intelsat”), pursuant to Section 25.117 of the Federal Communications Commission’s (“Commission” or “FCC”) rules,¹ hereby seeks to modify the authorization for Intelsat 5 (S2704), a C- and Ku-band satellite operating at 137.0° W.L.² Specifically, Intelsat seeks to further extend the license term and previously granted waivers for the Intelsat 5 satellite through November 2024.³

¹ 47 C.F.R. § 25.117.

² See *Satellite Policy Branch Information; Actions Taken*, Report No. SAT-01361, File No. SAT-MOD-20180501-00036 (Nov. 30, 2018) (Public Notice) (“Intelsat 5 2018 Modification”).

³ The Commission’s rules permit modification applications in the 3700-4200 MHz band and these applications are not subject to the FCC’s 2018 filing freeze on new fixed satellite service space station applications. See 47 C.F.R. § 2.106 n. NG182 (“In the band 3700-4200 MHz ... [a]pplications for extension, cancellation, replacement, or modification of existing space station authorizations in the band will continue to be accepted and processed normally.”); *International Bureau Announces Temporary Filing Freeze on New Fixed-Satellite Service Space Station Applications in the 3.7-4.2 GHz Band*, Public Notice, DA 18-640, 33 FCC Rcd 6119 (2018) (“The freeze does not apply to applications for modification of existing authorizations, relocations of existing space stations pursuant to the Commission’s fleet management policy, or to applications for replacement space stations.”); see also *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, FCC 20-22, 35 FCC Rcd 2343, ¶ 115 n. 327 (2020).

In accordance with the Commission's rules,⁴ this application has been filed electronically as an attachment to FCC Form 312. Intelsat incorporates by reference the information previously provided regarding the operations of Intelsat 5.⁵ Consistent with Section 1.62 of the Commission's rules, Intelsat will continue to operate the Intelsat 5 satellite pursuant to the terms and conditions of its expiring license until such time as the Commission makes a determination with respect to this request.⁶

I. REQUEST FOR EXTENSION OF LICENSE TERM AND PREVIOUSLY GRANTED WAIVERS

Intelsat seeks to further extend the Intelsat 5 license term through November 2024. The Intelsat 5 satellite was placed into service on October 26, 1997,⁷ and began inclined orbit operations in 2012.⁸ Pursuant to a previous license modification that extended the original license term,⁹ the license term for Intelsat 5 will expire on December 31, 2020. As a result of inclined orbit operations, the previously estimated end of service life of the satellite has been updated to November 30, 2024, which is well after the current license expiration date.

⁴ 47 C.F.R. § 25.117(c).

⁵ See Application of Intelsat License LLC for Modification of Authorization to Redeploy to, and Operate Intelsat 5 (S2704) at, 137.0 W.L., File No. SAT-MOD-20180501-00036 (filed May 1, 2018).

⁶ 47 C.F.R. § 1.62.

⁷ See PanAmSat Licensee Corp., Order and Authorization, 13 FCC Rcd 4743 (1997).

⁸ See Letter from Susan H. Crandall, Assistant General Counsel, Intelsat Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-MOD-20101029-00228 (Oct. 23, 2012).

⁹ See Intelsat License LLC, Order and Authorization, 30 FCC Rcd 2703, File Nos. SAT-MOD-20121002-00176 and SAT-MOD-20140829-00097 (Sat. Div. 2015).

Therefore, Intelsat requests the Commission further extend the license term through November 2024.

Additionally, Intelsat requests, to the extent necessary and out of an abundance of caution, that the FCC extend the previously granted waivers of the Commission's rules. First, Intelsat requests that the FCC extend the waiver of Section 25.114(c)(4)(vi)(A), which requires applicants to provide predicted space station antenna gain contours for each transmit and receive antenna beam requested, for the term of this license extension.¹⁰ Second, Intelsat requests that the FCC also extend the 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 in the geostationary orbit to international systems only.¹¹ Finally, Intelsat requests that the Commission extend the waiver of Section 25.210(f), which requires full frequency reuse of the 11450-11700 MHz and 14000-14250 MHz bands.¹²

II. POST-MISSION DISPOSAL PLAN

Extending the license term of Intelsat 5 will not affect the satellite's post-mission disposal plan. Pursuant to FCC rules, satellites launched prior to March 18, 2002, including Intelsat 5, have been grandfathered from the minimum disposal perigee requirements of Section 25.283(a).¹³ At the end of the Intelsat 5 mission, Intelsat will dispose of the satellite by moving

¹⁰ See 47 C.F.R. § 25.114(c)(4)(vi)(A); Intelsat 5 2018 Modification at Condition 12 and Footnote 4 (finding that exhibits provided in Intelsat's 2014 Modification application were sufficient to satisfy the requirements of Section 25.114(c)(4)(vi)(A)); *see also* Application of Intelsat License LLC to Modify Authorization for Intelsat 5 (S2704), File No. SAT-MOD-20140829-00097, Engineering Statement and Exhibits 2I, 2L, 2M, and 2N (filed Aug. 29, 2014).

¹¹ 47 C.F.R. § 2.106, fn. NG52; Intelsat 5 2018 Modification at Condition 9.

¹² 47 C.F.R. § 2.210; Intelsat 5 2018 Modification at Condition 11.

¹³ 47 C.F.R. § 25.283(d).

it to an altitude of 150 kilometers (perigee) above the geostationary arc. For that purpose, Intelsat has reserved 25.1 kilograms of fuel.

III. PUBLIC INTEREST SHOWING

Grant of this modification application to extend the license term would serve the public interest by enabling customers to receive service from Intelsat 5 at the 137.0° W.L. orbital location beyond the current license term's December 31, 2020 expiration date.

The Intelsat 5 satellite's subsystems and solar panels are functioning normally, and there are no single points of failure on Intelsat 5 that would result in an inability to de-orbit the satellite. Additionally, the satellite's TT&C functions are operating normally and most of the payload is operational.¹⁴ Extending the license term will promote the continued efficient use of orbital resources and is consistent with prior decisions by the Commission to extend satellite license terms.¹⁵

¹⁴ See Letter from Susan H. Crandall, Assistant General Counsel, Intelsat Corporation, to Marlene H. Dortch, Secretary, FCC, File No. SAT-MOD-20121002-00176 (Feb. 12, 2013) (stating that an early life battery failure had "no impact on the estimated end of service life for the satellite...and there [was] no reason to believe the spacecraft [would] not continue to provide service to customers for the full extended license term requested.").

¹⁵ See, e.g., *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01199, File Nos. SAT-MOD-20160805-00079, SAT-MOD-20160816-00084, and SAT-MOD-20160906-00088 (Nov. 4, 2016) (extending license terms of the Intelsat 904, Intelsat 902, and Intelsat 901 satellites, respectively).

IV. CONCLUSION

For the reasons set forth above, Intelsat respectfully requests that the Commission grant this further license extension.

Respectfully submitted,

Intelsat License LLC

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December 22, 2020

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%³

³ The exact indirect interest held by BCP is subject to fluctuation as Intelsat S.A.’s stock is publicly traded.