

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Petition for Declaratory Ruling to Modify
Market Access for Galaxy 23 (S2592)

File No. SAT-PDR-_____

**PETITION FOR DECLARATORY RULING OF INTELSAT LICENSE LLC TO
MODIFY MARKET ACCESS FOR GALAXY 23**

Intelsat License LLC (“Intelsat”), pursuant to Sections 25.117(h)(1) and 25.137(f) of the Federal Communications Commission’s (“Commission” or “FCC”) rules,¹ hereby seeks to modify the market access grant for Galaxy 23 (S2592), a Papua New Guinea-licensed C-band payload² operating on a hybrid C/Ku/Ka-band spacecraft at 121.0° W.L.³ EchoStar Satellite

¹ 47 C.F.R. §§ 25.117(h)(1), 25.137(f).

² The Commission’s rules permit extension and 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, 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, 35 FCC Rcd 2343, ¶ 115 n.327 (2020) (“C-band Order”).

³ See *Loral Spacecom Corp., Petition for Declaratory Ruling to Add Telstar 13 to the Permitted Space Station List*, Order, 18 FCC Rcd 16374 (2003) (“Telstar 13 Order”). Intelsat acquired ownership of the Telstar 13 payload (subsequently renamed Intelsat Americas 13 and then Galaxy 23) from Loral Spacecom Corporation, Debtor-in-Possession on March 17, 2004. See *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-00227, File No. SAT-PPL-20040318-00038 (July 16, 2004) (“Telstar 13 Transfer Public Notice”).

Services L.L.C. (“EchoStar”) operates the Ku/Ka-band payload pursuant to a U.S. license and under the name EchoStar 9 (S2179).⁴ By this petition, Intelsat requests (1) approval to serve the U.S. market with Galaxy 23 at 120.9° W.L., which is 0.1° from its currently approved orbital location; and (2) partial waiver of Section 25.114(c) of the Commission’s rules.⁵

In accordance with the Commission’s rules,⁶ this application has been filed electronically as an attachment to FCC Form 312 and includes a safe flight profile certification. Intelsat incorporates by reference the technical information filed as part of Loral Spacecom Corporation’s (“Loral”) 2002 petition for market access for this C-band payload,⁷ and, to the extent applicable, the updated technical information in the Engineering Statement, Schedule S, and .gxt files provided as part of EchoStar’s 2019 application to modify the EchoStar 9 authorization.⁸

⁴ See *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01444, File No. SAT-MOD-20191108-00128 (Jan. 31, 2020). Intelsat anticipates that EchoStar will file a separate, parallel application requesting authority to relocate EchoStar 9 to 120.9° W.L. and to operate the Ku/Ka-band payload at the proposed orbital location.

⁵ 47 C.F.R. § 25.114(c).

⁶ 47 C.F.R. §§ 25.114(c), 25.117(h)(1).

⁷ See *Petition for Declaratory Ruling of Loral SpaceCom Corp. to Add Telstar 13 to the Permitted Space Station List*, File No. SAT-PDR-20020315-00025 (filed Mar. 15, 2002) (“Loral Petition”). The technical information from the 2002 Loral Petition is unavailable on the International Bureau Filing System due to the age of the filing.

⁸ See *Application of EchoStar Satellite Services L.L.C. for Modification of the EchoStar 9 Authorized Service Area and Update of Technical Parameters*, File No. SAT-MOD-20191108-00128 (filed Nov. 8, 2019); *see also* *Application of EchoStar Satellite Operating Corporation for Modification of Operating Authority*, File No. SAT-MOD-20060830-00092, Technical Annex, A17-A19, (filed Aug. 30, 2006).

Additionally, Intelsat will operate Galaxy 23 in accordance with the Commission's C-band Order and Footnote NG182 of the U.S. Table of Frequency Allocations.⁹

I. REQUEST TO MODIFY MARKET ACCESS FOR GALAXY 23

Intelsat requests market access for Galaxy 23 at 120.9° W.L., which is 0.1° from its current location at 121.0° W.L.,¹⁰ and processing pursuant to Sections 25.137(f) and 25.117(h)(1) of the Commission's rules, which provides an auto-grant procedure for unopposed applications to relocate a geostationary satellite orbit ("GSO") fixed-satellite service ("FSS") space station by no more than 0.15° of a satellite's licensed orbital location.¹¹

Intelsat seeks an updated grant of market access for Galaxy 23 at 120.9° W.L. to facilitate safe station-keeping operations with Galaxy 31 (S3076), a C-band replacement satellite licensed by the United States to operate at 121.0° W.L.¹² Galaxy 31 is currently operating at its licensed location at 121.0° W.L.¹³ Following grant of this petition, Galaxy 23 and Galaxy 31 will operate

⁹ Intelsat has sought reconsideration to allow its continued access to 500 MHz at its consolidated international TT&C/gateway sites on a protected basis to ensure C-band service continuity to customers on its international C-band satellites. See Intelsat License LLC Petition for Reconsideration, GN Docket No. 18-122 (filed May 26, 2020).

¹⁰ Galaxy 23 will start inclined orbit operations upon arrival at 120.9° W.L. and Intelsat will notify the Commission accordingly.

¹¹ 47 C.F.R. § 25.117(h)(1). See *generally id.* § 25.137(f) (directing non-U.S.-licensed space station operators with market access grants to modify U.S. operations under §§ 25.117(d) and (h) and 25.118(e)). See also *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713, ¶ 275 & n.668 (2015) ("2015 Report and Order") ("We will provide the same autogrant procedure [under Section 25.117(h)] for petitions that request equivalent modifications of terms of U.S. market access through a non-U.S. licensed space station.").

¹² See *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01562, File No. SAT-RPL-20201109-00130 (June 25, 2021).

¹³ See Letter from Cynthia J. Grady, Assistant General Counsel, Intelsat US LLC, to Marlene H. Dortch, Secretary, FCC, File No. SAT-RPL-20201109-00130 (Feb. 10, 2023) (certifying Galaxy 31's commencement of operation).

in adjacent station-keeping boxes. Allowing Galaxy 23 to serve the U.S. market while operating in a slightly modified orbital location will provide greater operational flexibility and thus ensure space safety during side-by-side operation of the two satellites.

The specific communications frequencies associated with Galaxy 23 are identified in the chart below.

Frequencies:	3700-4200 MHz (space-to-Earth) 5925-6425 MHz (Earth-to-space) Telemetry, Tracking, and Command (TT&C”) center frequencies for the Galaxy 23 / EchoStar 9 spacecraft are: 4196.0 and 4199.5 MHz (space-to-Earth) 11705.5 and 12198.0 MHz (space-to-Earth) 14003.0 and 14497.0 MHz (Earth-to-space) ¹⁴
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In support of its request for deemed granted processing pursuant to Section 25.117(h), Intelsat confirms that its application does not “propose a change that would be inconsistent with a Commission rule or require modification of the BSS plan in Appendix 30 or the associated feeder-link Plan in Appendix 30A of the ITU Radio Regulations.”¹⁵ Intelsat further provides, in Exhibit A, a signed certification that Intelsat (i) “has assessed and limited the probability of the satellite becoming a source of debris as a result of collisions with large debris or other operational satellites at the new orbital location,”¹⁶ and (ii) that “[t]he proposed station-keeping volume of the satellite following relocation will not overlap a station-keeping volume reasonably expected to be occupied by any other satellite, including those authorized by the Commission,

¹⁴ The Ku-band TT&C frequencies for the spacecraft are authorized under the EchoStar-9 space station license. *See Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01444, File No. SAT-MOD-20191108-00128 (Jan. 31, 2020).

¹⁵ 47 C.F.R. § 25.117(h). *See generally id.* § 25.108 (incorporating the BSS plan and the associated feeder-link plan in Appendix 30 and Appendix 30A of the ITU Radio Regulations, respectively).

¹⁶ 47 C.F.R. § 25.117(h)(1)(i).

applied for and pending before the Commission, or otherwise the subject of an ITU filing and either in orbit or progressing towards launch.”¹⁷

II. REQUEST FOR PARTIAL WAIVER OF 47 C.F.R. § 25.114(c)

Intelsat requests a partial waiver of Section 25.114(c) of the Commission’s rules, which requires applicants for new or modified space station authorizations to submit various technical information in the Schedule S, engineering statement, and .gxt files.¹⁸ Under Section 1.3 of the Commission’s rules, the Commission may waive its rules “for good cause shown.”¹⁹ 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.²⁰ In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”²¹ As shown below, there is good cause for the requested waiver.

In this case, the time and resulting costs required to prepare the detailed Schedule S form, engineering statement, and .gxt files greatly outweigh any benefits to receiving that information for a 0.1° shift in orbital location. Except for the slight shift in orbital location from 121.0° W.L. to 120.9° W.L., all aspects of the satellite’s C-band payload operations remain unchanged. Additionally, information regarding the spacecraft itself and plans for orbital debris mitigation

¹⁷ *Id.* § 25.117(h)(1)(ii).

¹⁸ 47 C.F.R. § 25.114(c).

¹⁹ *Id.* § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

²⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²¹ *WAIT Radio*, 418 F.2d at 1159.

and post-mission disposal are available as part of application filings for EchoStar 9.²²

Meanwhile, the time required to generate supporting technical documentation for this instant application could delay Intelsat's ability to secure greater operational flexibility, and thus ensure space safety while the satellite operates alongside Galaxy 31.

Granting a waiver of the requirements for Schedule S, an updated engineering statement, and .gxt files would also not undermine the purpose of the rule. In deciding to include Schedule S forms for Part 25 satellite applications, for example, the Commission explained that the overarching goal of the Schedule S was to "facilitate the development of a database that should enable us to respond to queries from the public more quickly . . . [and] make it easier to monitor trends developing in the satellite industry."²³ As described above, the technical characteristics of Galaxy 23 will remain unchanged, aside from the 0.1° shift in orbital location, and technical information regarding the spacecraft is available in the Schedule S on file for EchoStar 9. Given Galaxy 23's longstanding operation pursuant to Commission authorization and information available on the spacecraft already, waiver would have no effect on these purposes.

Nor would waiving the requirement to provide a .gxt file containing antenna contour diagrams undermine the Commission's rules or objectives. The Commission explained that a requirement for .gxt files "would ensure that applicants have taken at least one preliminary step

²² See Application of EchoStar Satellite Services L.L.C. for Modification of the EchoStar 9 Authorized Service Area and Update of Technical Parameters, File No. SAT-MOD-20191108-00128 (filed Nov. 8, 2019); see also Application of EchoStar Satellite Operating Corporation for Modification of Operating Authority, File No. SAT-MOD-20060830-00092, Technical Annex, A17-A19, (filed Aug. 30, 2006).

²³ *Amendment of the Commission's Space Station Licensing Rules and Policies and 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations*, Notice of Proposed Rulemaking and First Report and Order, 17 FCC Rcd 3847, ¶ 88 (2002).

towards preparing a necessary ITU submission” and that files would enable the Commission to “extract data from antenna gain contour diagrams and conduct analyses . . . [to] determin[e] whether the proposed satellite would comply with the Commission’s technical rules.”²⁴ Neither of these requirements are implicated in the instant case, as the required ITU filings have been secured already, and the in-orbit Galaxy 23 satellite has already been found to comply with the Commission’s technical rules.

For these reasons, good cause exists to partially waive Section 25.114(c).

III. PUBLIC INTEREST SHOWING

Grant of this application will serve the public interest by promoting space safety as Galaxy 23 operates alongside and is ultimately replaced by Galaxy 31. The 0.1° of spatial separation between Galaxy 23 and its replacement satellite will provide Intelsat with additional operational flexibility to best ensure space safety at the nominal 121.0° W.L. orbital location. The additional flexibility is particularly beneficial in the instant case because Galaxy 23 is operating in inclined orbit while Galaxy 31 is station-kept.

Furthermore, grant of this request would not adversely impact other operators because Galaxy 23’s proposed orbital location is adjacent to but will not overlap that of any other satellites.²⁵ This relocation will also not increase the risk of harmful interference. In recent years, the Commission has adopted more flexible policies on relocation, and in doing so, has

²⁴ *Id.*, ¶ 90.

²⁵ The closest U.S.-licensed space station, DIRECTV T8 (S2632), is located at 119.05 W.L., which is 1.85° away from Galaxy 23’s proposed orbital location of 120.9° W.L.

concluded that relocating a satellite within $\pm 0.15^\circ$ of the initially licensed orbital location pursuant to § 25.117(h)(1) “would have a negligible impact on the interference environment.”²⁶

IV. CONCLUSION

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

Respectfully submitted,

Intelsat License LLC

By: /s/ Cynthia J. Grady

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April 17, 2023

²⁶ Cf. 2015 Report and Order, ¶ 275 (noting that the § 25.117(h) autogrant procedure “will expedite [the] grant of applications for space station modifications that have a negligible impact on the interference environment”).

Exhibit A

Certification of Compliance with Section 25.117(h)(1)(i)-(ii)

I, Robert Cardoso, Vice President of Satellite Operations and Engineering, hereby certify under penalty of perjury as follows:

Intelsat has assessed and limited the probability of the space station becoming a source of debris as a result of collisions with large debris or other operational space stations following relocation. Galaxy 23 (S2592) will not be located at the same orbital location as another satellite at 120.9° W.L. or at an orbital location that has an overlapping station keeping volume with another satellite. Additionally, Intelsat will coordinate operations with adjacent satellites, including Galaxy 31 (S3076), which is licensed to operate at 121.0° W.L.

The proposed station-keeping volume of the Galaxy 23 satellite following relocation will not overlap a station-keeping volume reasonably expected to be occupied by any other satellite, including those authorized by the Commission, applied for and pending before the Commission, or otherwise the subject of an ITU filing and either in orbit or progressing towards launch.

For purposes of this certification, Intelsat excludes the EchoStar 9 satellite (S2179), which is licensed to operate a Ku/Ka-band payload on the same spacecraft as Galaxy 23.

/s/ Robert Cardoso

Robert Cardoso
Vice President of Satellite Operations
and Engineering
Intelsat US LLC

April 17, 2023

Exhibit B

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 *2022 Intelsat Order*.

¹ See *Intelsat S.A., as debtor-in-possession (Transferor) and New TopCo S.A. (Transferee)*, Order, IBFS File No. SAT-ASG-20210826-00117, IB Docket No. 21-375, DA 22-162 (rel. Feb. 16, 2022).

Exhibit C

FCC Form 312, Response to Question 40: Officers, Directors, and Ten Percent or Greater Shareholders

Intelsat License LLC is a Delaware limited liability company. The officers and directors/managers of Intelsat License LLC are as follows:

Officers:

José Toscano, Deputy Chairman
Michelle Bryan, General Counsel, Chief
Administrative Officer, and Secretary
Mirjana Hervy, Director, Finance

Board of Managers:

José Toscano
Michelle Bryan

The business address of all Intelsat License LLC officers and members of the Board of Managers is: 7900 Tysons One Place, McLean, Virginia 22102.

Intelsat License LLC is a Delaware limited liability company that is indirectly wholly owned by Intelsat S.A. (formerly named Intelsat Emergence S.A.). Specifically, Intelsat License LLC is wholly owned by Intelsat License Holdings LLC, 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 (Intelsat Genesis GP LLC, a Delaware limited liability company) and two limited partners (Intelsat Genesis Inc., a Delaware corporation, and Intelsat Jackson Holdings S.A., a Luxembourg company). Intelsat Genesis GP LLC is wholly owned by Intelsat Genesis Inc., which is wholly owned by Intelsat Jackson Holdings S.A. Intelsat Jackson Holdings S.A. is wholly owned by Intelsat Connect Finance S.à r.l., 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.à r.l., a Luxembourg company. Intelsat (Luxembourg) S.à r.l. is wholly owned by Intelsat Investments S.à r.l., a Luxembourg company, which in turn is wholly owned by Intelsat Holdings S.à r.l., a Luxembourg company. Intelsat 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.

Pacific Investment Management Company LLC (“PIMCO”), a Delaware limited liability company, serves as the manager or investment advisor for a number of investment funds and other investment vehicles that each hold less than 10% of the voting and non-voting equity interests in Intelsat S.A. However, to the best of Intelsat’s knowledge, as of August 23, 2022, the aggregate total of the voting and non-voting equity interests in Intelsat S.A. held by PIMCO-managed funds and certain parent entities of PIMCO exceeded 10%. Details regarding PIMCO are listed below.

PIMCO

Name: Pacific Investment Management Company LLC
Address: 650 Newport Center Drive, Newport Beach, CA
92660
Citizenship: United States (Delaware)
Indirect Voting Interest: Approximately 32.99%
Indirect Non-Voting Interest: Approximately 32.99%

A complete list of the investment funds and entities collectively controlling a 10% or greater indirect voting and indirect non-voting interest in Intelsat S.A. is set forth in Intelsat's 2022 application for consent to the assignment and transfer of control of authorizations.²

² See Application for Assignment and Transfer of Control of Authorizations held by Intelsat License LLC, as debtor-in-possession, IBFS File No. SAT-ASG-20210826-00117 (filed Aug. 26, 2021).