

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

PanAmSat Licensee Corp.

Petition for Specific Authority Under Section
25.161(c) For C- and Ku-band Frequencies at
the Nominal 72° E.L. Orbital Location

FILED/ACCEPTED

APR - 5 2010

Federal Communications Commission
Office of the Secretary

PETITION FOR SPECIFIC AUTHORITY UNDER SECTION 25.161(C)

PanAmSat Licensee Corp. (“PanAmSat”), by its attorneys and pursuant to Section 25.161(c) of the rules of the Federal Communications Commission (“FCC or Commission”),¹ requests authority to retain its license to the C- and Ku-band frequencies at the nominal 72° E.L. orbital location. As a result of the January 31, 2010 emergency de-orbit of the Intelsat 4 satellite (call sign S2461), this location will be vacant pending the relocation of the Intelsat 706 satellite (call sign S2401), which is planned to arrive at 72.1° E.L. in August 2010.

Section 25.161(c) of the Commission’s rules provides that a license will automatically terminate upon “removal or modification of the facilities which renders the station not operational for more than 90 days, unless specific authority is requested.”² The Intelsat 4 satellite operated at the nominal 72° E.L. until January 31, 2010. On that date, Intelsat 4 experienced a technical anomaly which required PanAmSat to conduct emergency operations

¹ 47 C.F.R. § 25.161(c).

² *Id.*

and to begin immediately to de-orbit the satellite.³ Intelsat North America LLC (“Intelsat”)⁴ plans to relocate the Intelsat 706 hybrid C- and Ku-band satellite (call sign S2401) to the nominal 72° E.L. orbital location and have it on-station in August 2010.⁵ Accordingly, as permitted by the Commission’s rules, PanAmSat herein requests specific authority to leave the nominal 72° E.L. orbital location vacant for more than 90 days following the emergency de-orbit of Intelsat 4 and pending the relocation of Intelsat 706.

Grant of PanAmSat’s request would serve the public interest and would not undermine the purpose of Section 25.161(c) of the Commission’s rules.⁶ In this case, the vacancy of orbital resources is caused by an extraordinary and unforeseen technical anomaly on the Intelsat 4

³ See *PanAmSat Licensee Corp. Request for Special Temporary Authority to Conduct Emergency Operations for the Intelsat 4 Satellite, Call Sign S2461*, File No. SAT-STA-20100205-00022 (stamp grant Mar. 8, 2010); *PanAmSat Licensee Corp., Request for Extension of Special Temporary Authority to Conduct Emergency Operations for the Intelsat 4 Satellite, Call Sign S2461*, File No. SAT-STA-20100212-00026 (stamp grant Mar. 8, 2010); *PanAmSat Licensee Corp., Request for Further Extension of Special Temporary Authority to Conduct Emergency Operations for the Intelsat 4 Satellite, Call Sign S2461*, File No. SAT-STA-20100224-00035 (stamp grant Mar. 8, 2010). On March 10, 2010, PanAmSat filed a notice of de-orbit, informing the Commission that the Intelsat 4 satellite had been de-orbited to an altitude of 914.5 km above the geostationary arc. See *Letter from Susan H. Crandall to Marlene H. Dortch, Re: Intelsat 4 De-Orbit, Call Sign S2461* (filed Mar. 10, 2010).

⁴ Intelsat North America LLC is a sister company to, and under common ownership with, PanAmSat.

⁵ Intelsat North America has filed a request for Special Temporary Authority to drift Intelsat 706 from 54.85° E.L. to 72.1° E.L. and begin operating at 72.1° E.L. See *Request for Temporary Authority to Drift Intelsat 706, Call Sign S2401*, File No. SAT-STA-20100326-00057 (filed Mar. 26, 2010).

⁶ For the same reasons that grant of this petition is in the public interest, good cause exists for granting the requested authority even under the Commission’s waiver standards. See, e.g., *PanAmSat Licensee Corp.*, 17 FCC Rcd 10,483, 10,492 (¶ 22) (Sat. Div. 2002) (“Generally, the Commission may grant a waiver of its rules in a particular case if the relief requested would not undermine the policy objective of the rule in question and would otherwise serve the public interest.”).

satellite. The emergency removal of Intelsat 4 from the 72° E.L. orbital location was of paramount importance to minimize the potential for harm to other satellite operators in the geostationary arc. Indeed, the fact that the Intelsat 4 satellite had sufficient fuel to reach a de-orbit altitude of over 900 km above the geostationary arc evidences that, absent the technical anomaly, the satellite would have continued operations and thus not left the nominal 72° E.L. orbital location vacant. As a matter of equity, therefore, PanAmSat's emergency de-orbit of the Intelsat 4 satellite supports retention of its authorization to operate at the 72° E.L. orbital location.

Moreover, grant of this request will not cause a lapse in customer service. Upon learning of the unexpected anomaly on the Intelsat 4 satellite, PanAmSat promptly informed customers and made capacity available on other nearby satellites to ensure continuity of service. Some of these customers may elect to return to the nominal 72° E.L. location following the relocation of the Intelsat 706 satellite.

Indeed, the requested period of time to leave vacant the nominal 72° E.L. orbital location is extraordinarily brief. PanAmSat and Intelsat plan to relocate the Intelsat 706 satellite to 72.1° E.L. as soon as possible. The Intelsat 706 satellite is currently providing service from the 54.85° E.L. orbital location,⁷ and cannot be moved until customer traffic at that location is transferred to another satellite. On February 12, 2010, the FCC approved the relocation of the Intelsat 709 (call sign S2396) satellite to the 54.85° E.L. orbital location, and the satellite has begun drifting.⁸

⁷ See *Policy Branch Information; Actions Taken*, Report No. SAT-00595, DA 09-815, File No. SAT-MOD-20081124-00218 (Apr. 10, 2009) (Public Notice).

⁸ See *Policy Branch Information; Actions Taken*, Report No. SAT-00666, DA 10-281, File No. SAT-STA-20100111-00006 (Feb. 19, 2010) (Public Notice) (granting 60-day STA to drift and operate at 54.85° E.L.). The modification application for permanent authority to operate the Intelsat 709 satellite at 54.85° E.L. remains pending. See *Intelsat North America, Application to*

Intelsat currently expects, subject to Commission approval, to begin drifting the Intelsat 706 satellite to 72.1° E.L. in early July 2010 and have it on station at that location in August 2010.⁹

Finally, grant of this Petition conforms to Commission precedent. The FCC has previously granted authority under Section 25.161(c) and allowed a licensee to vacate an orbital location for more than 90 days where—as here—the licensee demonstrated that no customers would be adversely affected.¹⁰ Similarly, the Commission removed a continuity of service license condition—which is designed to protect customers just like Section 25.161(c)—and allowed an orbital location to remain vacant where the licensee needed to de-orbit a failing satellite.¹¹

(Continued . . .)

Modify Authorization for Intelsat 709 (S2396), File No. SAT-MOD-20091106-00117 (filed Nov. 6, 2009). On March 15, 2010, Intelsat filed a request for STA to continue to drift Intelsat 709 (call sign S2396) past 54.85° E.L. to 50.0° E.L. and to operate it at 50.0° E.L. for 10 days pursuant to the ITU filings of the administration of Turkey. After this 10-day period, Intelsat 709 will return to the 54.85° E.L. orbital location. *See Request for Special Temporary Authority to Drift Intelsat 709, Call Sign S2396*, File No. SAT-STA-20100315-00046 (stamp grant Mar. 30, 2010).

⁹ Intelsat will shortly file an application for permanent authority to redeploy the Intelsat 706 satellite to 72.1° E.L.

¹⁰ *See SES Americom, Application for Modification of the AMC-16 Fixed-Satellite Serv. Space Station to Temporarily Vacate the 85° W.L. Orbital Location and for Telemetry, Tracking and Control Operations during the Drift of the AMC-16 to and from the 118.75° W.L. Orbital Location*, Order and Authorization, 21 FCC Rcd 3430 (Int'l Bur. 2006) (granting authority under Section 25.161(c) to vacate the Ka-band frequencies at 85° W.L. for more than 90 days); *SES Americom, Application for Modification of AMC-16 Fixed Satellite Space Station License*, Memorandum Opinion and Order, 21 FCC Rcd 14,785 (Int'l Bu. 2006) (extending authority under Section 25.161(c) to leave the Ka-band frequencies at 85° W.L. vacant).

¹¹ *See Skynet Satellite Corporation, Application for Modification of License Condition*, IBFS File No. SAT-MOD-20060306-00024 (grant stamp Dec. 11, 2007).

For the reasons set forth herein, PanAmSat respectfully requests that the Commission grant this request for specific authority under Section 25.161(c) of the Commission's rules.

Respectfully submitted,

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