

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

FILED/ACCEPTED

JUN 28 2010

Federal Communications Commission
Office of the Secretary

In the Matter of

Intelsat North America LLC

Petition for Specific Authority Under Section
25.161(c) For C- and Ku-band Frequencies at
the Nominal 129° W.L. Orbital Location

PETITION FOR SPECIFIC AUTHORITY UNDER SECTION 25.161(C)

Intelsat North America LLC (“Intelsat”), by its attorneys and pursuant to Section 25.161(c) of the rules of the Federal Communications Commission (“FCC or Commission”),¹ herein requests authority to retain its license to the C- and Ku-band frequencies at the 129° W.L. orbital location, which, of necessity, will be vacant for a reasonable period of time greater than 90 days. As a result of the April 5, 2010 anomaly on Galaxy 15 (call sign S2387), the Galaxy 12 satellite (call sign S2422) scheduled to relocate to the 129° W.L. orbital location had to instead relocate to the 133° W.L. orbital location to ensure continuity of service to Galaxy 15 customers. Accordingly, the 129° W.L. orbital location will be vacant until Intelsat or PanAmSat Licensee Corp. (“PanAmSat”)² is able to deploy or relocate a satellite to the location.

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

¹ 47 C.F.R. § 25.161(c).

² PanAmSat Licensee Corp. is a sister company to, and under common ownership with, Intelsat.

operational for more than 90 days, unless specific authority is requested.”³ The Galaxy 27 satellite (call sign S2159) operated at the 129° W.L. location⁴ until April 1, 2010 when, pursuant to Special Temporary Authority (“STA”), it began to drift to 45.1° E.L.⁵ The Galaxy 27 satellite’s relocation to 45.1° E.L. was necessary to ensure a timely start of mission-critical services for a United States government customer.⁶ Intelsat’s original deployment plan provided for the relocation of Galaxy 12 to the 129° W.L. orbital location shortly after the departure of Galaxy 27.⁷ However, following the anomaly on Galaxy 15, Intelsat instead had to relocate Galaxy 12 to 133.0° W.L. in order to take on Galaxy 15’s customers and ensure continuity of service.⁸ Intelsat plans to deploy a satellite to 129° W.L. as soon as possible. Accordingly, as

³ 47 C.F.R. § 25.161(c).

⁴ See *Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service; the Applications of Am Tel. and Telegraph Co.; Echostar Satellite Corp.; GE Am. Commcn’s; Hughes Commcn’s Galaxy, Inc.; Loral Space and Commcn’s Ltd.; Orion Network Sys.*; Order and Authorization, 11 FCC Rcd 13, 788 (Int’l Bur. 1996); *Loral Space & Commcn’s Ltd. Application for Authority to Construct, Launch, and Operate Space Stations in the Domestic Fixed-Satellite Serv.*, Memorandum Opinion and Order, 11 FCC Rcd 20, 441 (Int’l Bur. 1996); *Loral Space & Commcn’s Ltd. Application for Modification of Authority to Construct, Launch, and Operate a Planned Satellite at 129° W.L.*, Order and Authorization, 15 FCC Rcd 6868 (Int’l Bur. 1999). Intelsat acquired the satellite from Loral in 2005. See *Loral Satellite, Inc. (Debtor-in-Possession) and Loral SpaceCom Corporation (Debtor-in-Possession), Assignors, and Intelsat North Am., LLC, Assignee, Applications for Consent to Assignments of Space Station Authorizations and Petition for Declaratory Ruling Under Section 310(b)(4) of the Commcn’s Act of 1934, as Amended*, Order and Authorization, 19 FCC Rcd 2404 (Int’l Bur. 2004).

⁵ *Intelsat North America LLC Request for Special Temporary Authority to Drift Galaxy 27 to 45.10° E.L.*, File No. SAT-STA-201000105-00004 (filed Jan. 5, 2010) (grant stamped with conditions Mar. 11, 2010).

⁶ *Intelsat North America LLC Request for Special Temporary Authority for Galaxy 27 (Call Sign S2159)*, File No. SAT-STA-20100528-00116 at 2 (filed May 28, 2010) (grant stamped with conditions June 2, 2010).

⁷ See *PanAmSat License Corp. Modification of Authorization for Galaxy 12 to 129.0° W.L. (S2422)*, File No. SAT-MOD-20100120-00013 (filed Jan. 20, 2010).

⁸ See *PanAmSat Licensee Corp. Request for Special Temporary Authority to Drift and Operate Galaxy 12 (S2422)*, File No. SAT-STA-20100408-00070 (filed Apr. 8, 2010) (grant stamped with conditions Apr. 8, 2010); *PanAmSat Licensee Corp. Request for Extension of Special Temporary Authority to Drift and Operate Galaxy 12 (S2422)*, File No. SAT-STA-20100430 (filed Apr. 30, 2010) (grant stamped with conditions May 11, 2010); *PanAmSat*

permitted by the Commission's rules, Intelsat herein requests specific authority to leave the 129° W.L. orbital location vacant for more than 90 days following the departure of Galaxy 27 and pending the deployment or relocation of another satellite.

Grant of Intelsat's request would serve the public interest and would not undermine the purpose of Section 25.161(c) of the Commission's rules.⁹ In this case, the vacancy of orbital resources is caused by an extraordinary and unforeseen technical anomaly on the Galaxy 15 satellite. Galaxy 12's relocation to the 133° W.L. orbital location instead of the 129° W.L. orbital location was of paramount importance to ensure continuity of service to the Galaxy 15 satellite's customers. Absent the anomaly on Galaxy 15, Intelsat would have deployed Galaxy 12 to 129° W.L. and thus not left the location vacant.

Moreover, grant of this request will not cause a lapse in customer service. Prior to redeploying the Galaxy 27 satellite, Intelsat transferred all customer traffic to other satellites. Thus, 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

Licensee Corp. Amendment to Application to Modify Authorization for Galaxy 12 (S2422) to 133 W.L., File No. SAT-AMD-20100514-00102 (filed May 14, 2010).

⁹ 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.”).

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*,

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

Finally, the requested period of time to leave vacant the nominal 129° W.L. orbital location will be brief. Intelsat plans to deploy or relocate another satellite to 129° W.L. as soon as possible. According to the analyses performed by the spacecraft manufacturer, Orbital Sciences Corporation, there is some possibility that Intelsat will be able to re-establish command of the Galaxy 15 satellite in the August/September 2010 timeframe. This possibility arises because the satellite in this timeframe is expected to lose earth lock and rotate away from earth, then lose all power (once the batteries are drained). It is then expected to rotate back toward earth, which will provide sun to the solar arrays, repowering the satellite, and might cause effectively a “rebooting” of the command system. If Galaxy 15 can be recovered, Intelsat will place the satellite at 133° W.L., thereby freeing up Galaxy 12 to be redeployed to 129° W.L. as originally planned. If Galaxy 15 is not recovered after losing earth lock, Intelsat would likely begin in the fall of this year the process of securing a satellite to fill the 133° W.L. orbital location. It could take as long as 30-36 months before a satellite could be placed at 133° W.L., after which Galaxy 12 would be redeployed to 129° W.L. Under either scenario, Intelsat expects to have a satellite at 129° W.L. well in advance of the five years allocated to operators to deploy a newly-licensed satellite.¹² As a result, grant of this Petition is the most expedient means of ensuring satellite service to customers from the 129° W.L. orbital location.

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).

¹² The FCC’s milestones afford satellite operators approximately five years to fill an orbital location. 47 C.F.R. § 25.164(a)(4).

For the reasons set forth herein, Intelsat 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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