

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 the 11.7-12.2 GHz and 14.0-14.5
GHz Frequencies at the Nominal 43.0° W.L.
Orbital Location

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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 herein requests authority to retain its license to the 11.7-12.2 GHz and 14.0-14.5 GHz Ku-band frequencies at the nominal 43.0° W.L. orbital 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 operational for more than 90 days, unless specific authority is requested."² As explained below, the Ku-band frequencies at the nominal 43.0° W.L. orbital location will, of necessity, remain vacant for a reasonable period of time greater than 90 days following the August 5, 2010 departure of Intelsat 3R (call sign PAS-2R) and pending the relocation of Intelsat 9 (call sign S2380) in the fall of 2012.³

PanAmSat is authorized to operate two satellites at the nominal 43.0° W.L. orbital

¹ 47 C.F.R. § 25.161(c).

² 47 C.F.R. § 25.161(c).

³ This request is timely filed by November 3, 2010, on which date the frequencies would have been vacant for 90 days.

location. Intelsat 11 (call sign S2237) is a C-band and extended Ku-band satellite operating pursuant to Commission authorization precisely at 43.0° W.L.⁴ The Intelsat 3R satellite (call sign PAS-2R) was licensed to operate at the same orbital location in both the C- and Ku-bands and, pursuant to a July 2010 grant of Special Temporary Authority (“STA”), recently operated slightly offset at 43.1° W.L.⁵ On August 5, 2010, pursuant to another grant of STA,⁶ the Intelsat 3R satellite began to drift to 81.0° W.L. to satisfy a customer demand for service at that location.⁷ Although the C-band frequencies at 43.0° W.L. are currently used by the Intelsat 11 satellite, the 11.7-12.2 GHz and 14.0-14.5 GHz Ku-band frequencies have been unused since August 6, 2010.

Deployment plans for new and operational satellites will allow PanAmSat to bring these frequencies back into use within a relatively short time period. Specifically, a new satellite, to be named Intelsat 21, is planned for launch and operation at the 58° W.L. orbital location in mid-2012. Following this launch, PanAmSat intends to deploy the Intelsat 9 satellite (call sign S2380), which is currently operating at 58° W.L., to the nominal 43.0° W.L. orbital location. Intelsat 9 is a hybrid C- and Ku-band satellite. As a result, commencing in the fall 2012, the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands at the nominal 43.0° W.L. will be operational again. Looking forward, PanAmSat also plans to build a new

⁴ See *Policy Branch Information; Actions Taken*, Report No. SAT-00617, File No. SAT-MOD-20090108-00004 (July 10, 2009) (Public Notice).

⁵ See *Policy Branch Information; Actions Taken*, Report No. SAT-00709, File No. SAT-STA-20100607-00124 (July 23, 2010) (Public Notice).

⁶ See *Policy Branch Information/ Actions Taken*, Report No. SAT-00713, File No. SAT-STA-20100402-00063 (Aug. 6, 2010) (Public Notice).

⁷ *PanAmSat Licensee Corp. Request for Special Temporary Authority for Intelsat 3R (Call Sign PAS-2R)*, File No. SAT-STA-20100402-00063 (filed Apr. 2, 2010) (stamp granted with conditions Aug. 3, 2010).

satellite with Ku-band frequencies for operation at this orbital location.

Grant of PanAmSat's request to leave the conventional Ku-band frequencies at the nominal 43.0° W.L. orbital location vacant for more than 90 days would serve the public interest and would not undermine the purpose of Section 25.161(c) of the Commission's rules.⁸ In this case, the vacancy of orbital resources is caused by an unforeseen customer demand for Ku-band capacity at the 81.0° W.L. orbital location following the de-orbit of the Galaxy 9 satellite (call sign S2146) a few months earlier than expected. Given its co-location with Intelsat 11, proximity to 81.0° W.L., and limited customer use, the relocation of Intelsat 3R was the best available option to fulfill customer needs. Absent this customer demand, PanAmSat would not have moved Intelsat 3R from the nominal 43.0° W.L. orbital location and left the 11.7-12.2 GHz and 14.0-14.5 GHz frequencies at the 43.0° W.L. orbital location vacant.

Moreover, grant of this request is in the public interest because it will not cause a lapse in customer service. Redeployment of the Intelsat 3R satellite did not cause disruption of service to customers. PanAmSat was able to accommodate all customer demand for use of the 11.7-12.2 GHz and 14.0-14.5 GHz band frequencies from the nominal 43.0° W.L. orbital location using other satellites in the region.

In addition, grant is appropriate in this case because the requested period of time to leave vacant the Ku-band frequencies at 43.0° W.L. is brief. As explained above, PanAmSat plans to relocate Intelsat 9 to 43.0° W.L. and utilize the 11.7-12.2 GHz and 14.0-14.5 GHz

⁸ 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.").

frequencies in the fall of 2012. Under this plan, PanAmSat expects to have a satellite at 43.0° W.L. well in advance of the five years allocated to operators to deploy a newly-licensed satellite.⁹ As a result, grant of this Petition is the most expeditious means of ensuring satellite service to customers from the 43.0° W.L. orbital location.

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 for approximately two years where the licensee needed to de-orbit a failing satellite.¹¹

⁹ The FCC's milestones afford satellite operators approximately five years to fill an orbital location. 47 C.F.R. § 25.164(a)(4).

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) (permitting a vacancy from summer of 2006 to June 2008).

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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