Stamp and Return

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

In the Matter of Intelsat License LLC Petition for Specific Authority Under Section 25.161(c) for the 13.75-14.0 GHz Frequencies at the 58.1° W.L. Orbital Location

PETITION FOR SPECIFIC AUTHORITY UNDER SECTION 25.161(C)

Intelsat License 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 13.75-14.0 GHz Ku-band frequencies at the 58.1° 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 58.1° W.L. orbital location will, of necessity, remain vacant for a reasonable period of time greater than 90 days following the September 14, 2013 departure of Intelsat 16 (call sign S2750) from that orbital location to the 79.0° W.L. orbital location.[3]

Intelsat is authorized to operate one satellite at the 58.1° W.L. orbital location and one

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1 47 C.F.R. § 25.161(c).

2 *Id.*

3 This request is timely filed by December 13, 2013, on which date the frequencies would have been vacant for 90 days.

satellite at the 58.0° W.L orbital location. Intelsat 16 (call sign S2750) is an extended and conventional Ku-band satellite licensed to operate at 58.1° W.L.[4] The Commission authorized Intelsat 16 to ensure "that additional capacity is available to serve the South American region"[5] at 58.1° W.L., where the satellite served as an in-orbit spare.[6] The Intelsat 21 satellite (call sign S2863) is operating pursuant to Commission authorization at the 58.0° W.L. orbital location in both the C- and Ku-bands.[7] On September 14, 2013, pursuant to grant of STA,[8] the Intelsat 16 satellite began to drift to 79.0° W.L. to satisfy a customer demand for service at that location.[9] The Intelsat 16 satellite is currently authorized to operate for a period of 180 days at 79.0° W.L. pursuant to another grant of STA.[10] Although the conventional Ku-band frequencies at the nominal 58° W.L. orbital location are currently used by the Intelsat 21 satellite, the 13.75-14.0 GHz Ku-band frequencies have been unavailable since September 14, 2013.

Intelsat currently plans to drift Intelsat 16 back to the 58.1° W.L. orbital location,

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4 *See Policy Branch Information; Actions Taken*, Report No. SAT-00610, File No. SAT-LOA-20080416-00085 (June 5, 2009) (Public Notice).

5 *Id.* Application Narrative at 4.

6 *Intelsat License LLC Request for Special Temporary Authority to Drift Intelsat 16 to 79.0° W.L. (Call Sign* S2750*)*, File No. SAT-STA-20130905-00111 (filed Sep. 5, 2013) (stamp grant with conditions Sep. 12, 2013).

7 *See Policy Branch Information; Actions Taken*, Report No. SAT-00882, File No. SAT-RPL-20120326-00061 (July 13, 2012) (Public Notice).

8 *See Policy Branch Information*; *Actions Taken*, Report No. SAT-00972, File No. SAT-STA-20130905-00111 (Sep. 13, 2013) (Public Notice).

9 *Intelsat License LLC Request for Special Temporary Authority to Drift Intelsat 16 to 79.0° W.L. (Call Sign* S2750*)*, File No. SAT-STA-20130905-00111 (filed Sep. 5, 2013) (stamp grant with conditions Sep. 12, 2013).

10 *See Policy Branch Information; Actions Taken*, Report No. SAT-00979, File No. SAT-STA-20130905-00112 (Nov. 8, 2013) (Public Notice).

subject to receipt of Commission approval, and make the 13.75-14.0 GHz Ku-band frequencies available again at that location within a relatively short time period after expiration of the current 180-day STA under which Intelsat 16 is now operating at the 79.0° W.L. orbital location. As a result, commencing in the spring of 2014, Intelsat expects to restore operational satellite capacity in the 13.75-14.0 GHz frequency band at the 58.1° W.L. orbital location.

Grant of Intelsat's request to retain its license for the Ku-band frequencies at the 58.1° W.L. orbital location would serve the public interest and would not undermine the purpose of Section 25.161(c) of the Commission's rules.[11] In this case, the vacancy of orbital resources is caused by a temporary customer demand for Ku-band capacity at the 79.0° W.L. orbital location. Given its co-location with Intelsat 21, proximity to 79.0° W.L., and the limited duration of customer use, the relocation of Intelsat 16 was the best available option to fulfill this customer demand. Absent this customer demand, Intelsat would not have moved Intelsat 16 from the 58.1° W.L. orbital location and left the 13.75-14.0 GHz frequencies at that orbital location vacant.

Grant of this Petition is the most expeditious means of ensuring the availability of satellite capacity for customers in the 13.75-14.0 GHz band at the 58.1° W.L. orbital location. As explained above, Intelsat plans to relocate Intelsat 16 back to 58.1° W.L. and reestablish the satellite's capacity to serve the public using the 13.75-14.0 GHz frequencies in the spring of 2014. As such, the requested period of time to leave vacant the Ku-band frequencies at

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[11] 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.").

58.1° W.L. is brief—less than one year—and relocation will not impact continuity of service for consumers.

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.[12] 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.[13]

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.

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12 *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).

13 *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).

Respectfully submitted,

Intelsat License LLC

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