

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

In the Matter of)
)
SES Satellites (Gibraltar) Limited) File No. SAT-PPL-20160126-00007
)
Request for U.S. Market Access for SES-15)
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**COMMENTS OF INTELSAT LICENSE LLC AND
JSAT INTERNATIONAL, INC.**

Intelsat License LLC (“Intelsat”) and JSAT International, Inc. (“JII”), pursuant to Section 25.154 of the Commission’s rules,¹ hereby comment on the above-captioned petition of SES Satellites (Gibraltar) Limited (“SES Gibraltar”) (“Petition”) for Federal Communications Commission (“FCC” or “Commission”) authority to serve the U.S. market using the Gibraltar-licensed SES-15 spacecraft at 129.15° W.L.² Intelsat and JII request that the Commission include in any grant of market access to SES Gibraltar for SES-15 a standard condition requiring compliance with the International Telecommunication Union (“ITU”) coordination process.

I. BACKGROUND

SES Gibraltar seeks to serve the United States market with SES-15 at 129.15° W.L. using the 10.7-11.2 GHz, 11.2-12.2 GHz, 14.0-14.5 GHz, 18.3-18.8 GHz, 19.7-20.2 GHz, 27.5-28.6 GHz, and 29.25-30.0 GHz frequency bands. The SES-15 satellite is licensed by Gibraltar and will operate under ITU filings submitted by the Government of Gibraltar through the United

¹ 47 C.F.R. § 25.154.

² See *Policy Branch Information; Satellite Space Applications Accepted for Filing*, Report No. SAT-01165, File No. SAT-PPL-20160126-00007 (Jun. 10, 2016) (Public Notice); *SES Satellites (Gibraltar) Limited, Request for U.S. Market Access for SES-15*, File No. SAT-PPL-20160126-00007 (filed Jan. 26, 2016) (“Petition”).

Kingdom.³ Currently, the AMC-1 satellite operates in the conventional Ku-band at 129.15° W.L.,⁴ and SES-15 will provide follow-on service at this location in expanded frequency bands.⁵

Horizons-1 Satellite LLC (f/k/a Horizons Satellite LLC), a subsidiary of a 50/50 joint venture between Intelsat Corporation and JII, holds the U.S. market access authorization for Horizons I (call sign S2475), which is the Ku-band payload on Intelsat's U.S.-licensed Galaxy 13 satellite (call sign S2368) at 127° W.L.⁶ Horizons I is licensed by Japan. The Japanese Administration's ITU filings for the Horizons I satellite have earlier ITU protection dates with respect to SES Gibraltar's filing at 129.15° W.L. As such, outside of the United States, SES-15 must protect Horizons I's operations.

II. THE COMMISSION SHOULD REQUIRE SES-15 TO OPERATE OUTSIDE OF THE UNITED STATES IN ACCORDANCE WITH COORDINATION AGREEMENTS

The Commission should impose its standard condition ensuring that SES-15's operations comply with the ITU coordination process. Specifically, the requested condition could be drafted as follows:

1. SES Gibraltar must operate SES-15 at the 129.15° W.L. orbital location in accordance with any existing and future coordination agreements for this location.

³ Petition at 3.

⁴ *SES Americom, Inc.*, File Nos. SAT-MOD-20140730-00089 & SAT-AMD-20150219-00006, Call Sign S2445 (stamp grant May 28, 2015) (authorizing operation of AMC-1 at 129.15° W.L. in the conventional Ku-band).

⁵ Petition at 3.

⁶ On November 24, 2003, the Commission added Horizons I to the Permitted Space Station List ("Permitted List"). *Horizons Satellite LLC, Petition for Declaratory Ruling to Add Horizons I to the Permitted Space Station List*, Order, 18 FCC Rcd 24745 (2003). On May 27, 2004, the Commission modified the Permitted List entry for the satellite by adding authority for Horizons I to be used to provide one-way direct-to-home services. *Horizons Satellite LLC, Application for Modification of Permitted List Authorization*, Order and Authorization, 19 FCC Rcd 20349 (2004).

The same condition appears in the authority previously granted by the Commission for the AMC-1 satellite at 129.15° W.L.⁷

This condition will serve the public interest by ensuring that SES Gibraltar's operation of SES-15 at 129.15° W.L. does not cause unacceptable interference to customers of the Horizons I satellite at 127° W.L. outside the United States. Intelsat and JII have an earlier ITU protection date at this location, and under the ITU's coordination procedures, it is incumbent on operators with a later protection date to coordinate with satellite operators having an earlier protection date or to protect the operations of those earlier protection date operators if coordination has not been completed. Accordingly, the requested condition will ensure that SES Gibraltar's market access for SES-15 at 129.15° W.L. adheres to the existing international rights and obligations of all parties and administrations.

The requested condition is also consistent with U.S. policy and precedent for conditioning authorizations as necessary to protect operational satellite systems with earlier ITU protection dates. Although the Commission does not withhold U.S. market access pending completion of international coordination,⁸ the International Bureau does impose conditions to ensure there is no interference to operational satellites with earlier ITU protection dates. For example, the Commission's order adding Telstar 13 to the Permitted List included conditions to ensure that Telstar 13 would cease operations immediately upon launch and operation of a planned satellite with ITU date precedence or would operate only in compliance with any

⁷ See *supra* note 4.

⁸ *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, Report and Order, IB Docket No. 96-11, 12 FCC Rcd 24094, at 24174 (1997); *Loral Spacecom Corp., Petition for Declaratory Ruling to Add Telstar 13 to the Permitted Space Station List*, Order, 18 FCC Rcd 16374, at 16379-16780 (2003).

coordination agreement reached with the higher ITU priority satellite.⁹ Similarly, the condition requested here would allow SES-15 to serve the United States, while protecting Intelsat's and JII's existing operations pending completion of the ITU coordination process.

In addition, the requested condition on SES Gibraltar's market access serves the public interest in harmonious global satellite operations. The ITU satellite coordination process is the cornerstone for efficient and orderly utilization of orbital resources. This international process depends upon all administrations recognizing an earlier ITU protection date as establishing spectrum use rights between satellite operators. If administrations do not ensure compliance with ITU rules when making market access decisions, it will complicate international coordination for all administrations and their satellite operators.

III. CONCLUSION

Consistent with Commission policy, grant of SES Gibraltar's Petition should include a standard condition to operate outside of the United States in accordance with existing and future coordination agreements.

Respectfully submitted,

JSAT International, Inc.

Intelsat License LLC

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⁹ *Loral Spacecom Corp.*, 18 FCC Rcd at 16380, 16384-85, ¶¶ 16, 31.

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July, 2016, I caused to be delivered a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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