

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC, as debtor in
possession

Petition for Declaratory Ruling Granting
Access to the U.S. Market for a Non-
U.S.-Licensed Non-Geostationary Orbit
Satellite System

File No. SAT-PDR- _____

PETITION FOR DECLARATORY RULING

Intelsat License LLC, as debtor in possession (“Intelsat”), pursuant to Section 25.137 of the Federal Communications Commission (“Commission” or “FCC”) rules,¹ hereby seeks authorization to serve the U.S. market with a non-geostationary orbit (“NGSO”) satellite system designed to meet the evolving connectivity needs of consumers around the world (the “Petition”).² Specifically, Intelsat requests that the Commission add Intelsat’s NGSO system

¹ See 47 C.F.R. § 25.137.

² See *Cut-Off Established for Additional NGSO-Like Satellite Systems in the 37.5-40.0 GHz, 40.0-42.0 GHz, 47.2-50.2 GHz and 50.4-51.4 GHz Bands*, Public Notice, DA 21-941 (IB rel. Aug. 4, 2021) (setting a November 4, 2021 closing date for a processing round for the 37.5-40.0 GHz, 40.0-42.0 GHz, 47.2-50.2 GHz, and 50.4-51.4 GHz frequency bands). Consistent with the Commission’s rules, Intelsat has filed this application as an attachment to FCC Form 312 and Schedule S. See 47 C.F.R. § 25.137(a).

(“Intelsat MEO Constellation”)³ to the FCC’s Approved Space Station List for fixed-satellite service (“FSS”) in the Ku- and V-band frequencies.⁴

Grant of this Petition will enable Intelsat to integrate a new medium-Earth orbit (“MEO”) constellation with Intelsat’s expansive geostationary orbit (“GSO”) satellite fleet and terrestrial network, creating the world’s first multi-orbit, multi-layer, multi-band, software-defined 5G network designed to benefit consumers in the United States and around the globe. This integrated network will provide ubiquitous, reliable connectivity services, benefits of coverage and lower latency common to lower-Earth orbits, allowing Intelsat to provide high-speed connectivity and innovative services to its U.S. and global enterprise, institutional, and government consumers.

I. INTELSAT IS QUALIFIED TO HOLD THE REQUESTED MARKET ACCESS AUTHORIZATION

A. Legal Qualification

Intelsat is legally qualified to hold the market access authorization requested in this Petition. The attached Form 312 demonstrates Intelsat’s compliance with the Commission’s basic legal qualifications. In addition, Intelsat already holds multiple FCC GSO satellite licenses, and its legal qualifications are a matter of record before the Commission.⁵

³ Intelsat is seeking a license to operate the Intelsat MEO Constellation under the operating authority of the Federal Republic of Germany. Attached as Exhibit C is a letter from the German regulatory agency, Bundesnetzagentur (“BNetzA”), confirming that Intelsat is pursuing an authorization from BNetzA.

⁴ Similar to all the GSO satellites licensed to Intelsat, the Intelsat MEO Constellation will operate on a non-common carrier basis and therefore Section 310(b) is not applicable to this Petition. *See Applications of The News Corp. Ltd. and The DIRECTV Group, Inc. (Transferors) and Constellation LLC, Carlyle PanAmSat I, LLC, et al. (Transferees) for Authority to Transfer Control of PanAmSat Licensee Corp.*, Public Notice, DA 04-2509, 19 FCC Rcd 15424, 15425 n.5 (IB 2004).

⁵ *See Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC, and PEOP PAS, LLC, Transferors and Intelsat Holdings, Ltd., Transferee, Consolidated*

B. Technical Qualifications

Intelsat is technically qualified to hold the market access authorization requested in this Petition. The attached Form 312, Schedule S, and Engineering Statement demonstrate this Petition's compliance with the Commission's relevant technical rules.

II. DESIGN AND OPERATIONAL FREQUENCIES

A. Constellation Design

Intelsat's MEO architecture proposed herein carefully balances the overall infrastructure investment, orbital and spectrum resources, and the high standard of services Intelsat's customers demand. The proposed Intelsat MEO Constellation will comprise 216 satellites operating at 8,600 km. The satellites will be deployed at three inclinations, 47°, 62.9°, and 89°. Each inclination will contain six planes of twelve satellites each.

B. Operational Frequencies

The Intelsat MEO Constellation is designed to complement Intelsat's existing GSO satellite fleet and will be supported by a ground-based network that incorporates Ku- and V-band user terminals and V-band gateways. Intelsat is seeking U.S. market access in the following frequency bands:

Application for Authority to Transfer Control of PanAmSat Licensee Corp. and PanAmSat H-2 Licensee Corp., Memorandum Opinion and Order, FCC 06-85, 21 FCC Rcd 7368 ¶ 23 (2006) (“The Commission previously has determined that PanAmSat and Intelsat are qualified to hold licenses.”).

User Terminals	12.75-13.25 GHz (Earth-to-space)
	14.0-14.5 GHz (Earth-to-space)
	37.5-40.0 GHz (space-to-Earth)
	40.0-42.0 GHz (space-to-Earth)
	48.2-50.2 GHz (Earth-to-space)
Gateways	37.5-40.0 GHz (space-to-Earth)
	40.0-42.0 GHz (space-to-Earth)
	47.2-48.2 GHz (Earth-to-space)
	48.2-50.2 GHz (Earth-to-space)
	50.4-51.4 GHz (Earth-to-space)

The Intelsat MEO Constellation will operate its telemetry, tracking, and command within the above identified V-band gateway bands.⁶

C. Orbital Debris Mitigation

Intelsat understands the crucial importance of a safe space environment and is committed to space sustainability. Intelsat has decades of experience and a proven track record of properly deorbiting its GSO space stations at end of life⁷ and investing in technology that reduces orbital debris.⁸ Intelsat is also actively involved in numerous organizations that are committed to space safety.

Intelsat is a founding member of the Space Data Association,⁹ an international non-profit organization formed in 2009 by satellite operators to improve the safety of flight through improving coordination among operators and to facilitate data sharing.¹⁰ Intelsat also

⁶ These signals will not cause greater interference or require more protection from harmful interference than the communications traffic on the satellite network.

⁷ Intelsat has successfully decommissioned in a disposal orbit over sixty-five Intelsat satellites.

⁸ See, e.g., Press Release, Intelsat, In-Orbit Mission Success: Extending the Life of Intelsat 10-02 (June 21, 2021), <https://www.intelsat.com/resources/blog/in-orbit-mission-success-extending-the-life-of-intelsat-10-02/>.

⁹ See *Space Data Association*, <https://www.space-data.org/sda/>.

¹⁰ Intelsat is also a member of the Space Data Association's board of directors.

participates in the Space Safety Coalition¹¹ and has endorsed the organization's *Best Practices for the Sustainability of Space Operations*.¹²

Intelsat receives daily close approach screening and special screening for nonroutine operations of its fleet against the space object catalog maintained by U.S. Space Command's Combined Space Operations Center.¹³ Intelsat is also an active member of the Commercial Integrated Cells program,¹⁴ which coordinates U.S. government and multi-nation commercial operations to improve data sharing and close approach screening processes. Additionally, Intelsat has been working with the U.S. government to improve communication and advocate for collaboration between government and commercial satellite operators for more than 15 years.

Non-U.S. licensed space stations can satisfy the Commission's orbital debris rules "by demonstrating that debris mitigation plans for the space station(s) for which U.S. market access is requested are subject to direct and effective regulatory oversight by the national licensing authority."¹⁵ The Intelsat MEO Constellation will be a foreign-licensed satellite system operating under the authority of the Federal Republic of Germany and will be subject to the

¹¹ See *Space Safety Coalition*, <https://spacesafety.org/>.

¹² See *Best Practices for the Sustainability of Space Operations*, Space Safety Coalition (Sept. 16, 2019), https://spacesafety.org/wp-content/uploads/2021/04/Endorsement-of-Best-Practices-for-Sustainability_v40.pdf.

¹³ See *Combined Space Operations Center / Space Delta 5 Fact Sheet*, Vandenberg Space Force Base, <https://www.vandenberg.spaceforce.mil/Portals/18/documents/CFSCC/CSpOC-DEL5-FactSheet-Feb21.pdf?ver=enUiX8BQNoYZIzIVLHedqQ%3D%3D> (last updated Dec. 2020).

¹⁴ See *Commercial Integration Cell Fact Sheet*, Vandenberg Space Force Base, <https://www.vandenberg.spaceforce.mil/Portals/18/documents/CFSCC/CIC-FactSheet-Feb21.pdf?ver=ch0p0vC3F2c1CUBVIT9E7A%3D%3D> (last updated Feb. 2021).

¹⁵ 47 C.F.R. § 25.114(d)(14)(v).

“direct and effective” German oversight for orbital debris matters.¹⁶ Additionally, Intelsat has provided a description of its orbital debris mitigation plan in the attached Engineering Statement.¹⁷

III. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST AND IS CONSISTENT WITH FCC POLICY

For over 50 years, Intelsat has operated the world’s most trusted global space and ground satellite network with a mission to make connectivity more accessible worldwide. The addition of the Intelsat MEO Constellation will create a unified, global network that will support virtually any access technology, enabling the next generation of global mobility, Internet-of-Things, and 5G services with unrivaled ubiquity, simplicity, and performance. Grant of this Petition will serve the public interest by ensuring U.S. consumers have access to the simple, seamless, and secure coverage that Intelsat’s multi-orbit, multi-frequency, software-defined 5G network will provide.

Further, grant of this Petition is consistent with FCC policy on market access. When reviewing requests for U.S. market access, the Commission applies the “*DISCO II*” standard.¹⁸ In particular, the Commission examines whether permitting access to the foreign-licensed satellite will distort competition in the United States or create issues relating to spectrum availability, national security, law enforcement, foreign policy, or trade.¹⁹ The proposed Intelsat system is consistent with these requirements.

¹⁶ See *Mitigation of Orbital Debris in the New Space Age*, Report and Order et al., FCC 20-56, 35 FCC Rcd 4156 ¶ 144 (2020).

¹⁷ See Engineering Statement § 4.

¹⁸ See generally *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, FCC 97-399, 12 FCC Rcd 24094 (1997) (“*DISCO II*”).

¹⁹ See *id.* ¶¶ 4, 178.

A. Effect on Competition in the United States

The Commission has established a rebuttable presumption that competition in the U.S. market is furthered by granting market access to non-U.S. satellites licensed by World Trade Organization (“WTO”) members that provide services covered by U.S. commitments under the WTO Basic Telecommunications Agreement.²⁰ As noted above, Intelsat is seeking a license to operate the Intelsat MEO Constellation under the authority of the Federal Republic of Germany to provide covered FSS operations.²¹ The Federal Republic of Germany is a member of the World Trade Organization and a key U.S. ally. Accordingly, this Petition is subject to the presumption in favor of market access.

B. National Security, Law Enforcement, Foreign Policy, and Trade Issues

The issues of national security, law enforcement, foreign policy, and trade factor in the evaluations of market access requests for non-U.S.-licensed satellites but are likely to arise only in “rare circumstances.”²² Grant of this Petition is consistent with these considerations as Intelsat has a long history of providing satellite communication service to U.S. government and military users. Intelsat believes these users will greatly benefit from the secure communications obtained through leveraging the Intelsat MEO Constellation.

C. Spectrum Availability

Information on spectrum availability appears in Sections 3.1.2-3 of the Engineering Statement.

²⁰ See *id.* ¶ 39.

²¹ See *id.* ¶¶ 25, 30.

²² *Id.* ¶ 180 (“We emphasize, however, that we expect national security, law enforcement, foreign policy and trade policy concerns to be raised only in very rare circumstances. Contrary to the fears of some commenters, the scope of concerns that the Executive Branch will raise in the context of applications for earth station licenses is narrow and well defined.”).

IV. WAIVER REQUESTS

The Commission has authority to waive its rules “for good cause shown.”²³ Good cause exists if “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”²⁴ In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”²⁵ Additionally, the Commission generally grants a waiver of the Table of Frequency Allocations “when there is little potential interference into any service authorized under the Table of Frequency Allocations and when the nonconforming operator accepts any interference from authorized services.”²⁶

A. Frequency Allocation

Intelsat requests limited waiver of Section 2.106, specifically Footnote NG57 of the Table of Frequency Allocations, and Section 25.202(a)(1)(ii) of the Commission’s rules to use the bands on a non-conforming basis.²⁷

²³ 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

²⁴ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²⁵ *WAIT Radio*, 418 F.2d at 1159.

²⁶ *The Boeing Company*, Order and Authorization, DA 01-3008, 16 FCC Rcd 22645, 22651 (IB & OET 2001) (citing *Application of Fugro-Chance, Inc. for Blanket Authority to Construct and Operate a Private Network of Receive-Only Mobile Earth Stations*, Order and Authorization, DA 95-455, 10 FCC Rcd 2860 (IB 1995) (authorizing Mobile Satellite Service in the C-band); *Application of Motorola Satellite Communications, Inc. for Modification of License*, Order and Authorization, DA 96-1789, 11 FCC Rcd 13952 ¶¶ 10-11 (IB 1996) (authorizing service to fixed terminals in bands allocated to the mobile satellite service).

²⁷ Intelsat understands that use of these frequencies in this manner will be predicated on obtaining the necessary waiver(s) for the associated earth stations. Since both the earth station and space station authorizations will require waivers of NG57 and Section 25.202(a)(1)(ii) to enable the proposed nonconforming use, Intelsat believes that waiver of these rules for the space station authorization is not premature. Obtaining a waiver now will ensure that future space station authorization modifications to obtain these waivers are unnecessary, which reduces the regulatory burden on the Commission and Intelsat.

1. 47 C.F.R. § 2.106, Footnote NG57

Footnote NG57 restricts the use of the band 12.75-13.25 GHz frequency band by NGSO FSS to communications with individually licensed earth stations.²⁸ Good cause exists to waive the individually licensed earth stations requirement for the 12.75-13.25 GHz frequency band in the instant case.

The purpose of NG57 is to limit potential interference into co-primary Fixed Service (“FS”) stations.²⁹ Subject to this waiver, in the 12.75-13.25 GHz frequency band the Intelsat MEO Constellation will only communicate with blanket-licensed aeronautical terminals operating at approximately 10,000 ft above ground level—far above co-primary terrestrial stations. Further, these terminals will radiate skyward, away from terrestrial stations, around the world.³⁰ Intelsat will also operate these aeronautical terminals on a non-interference and non-protected basis with respect to any other FCC authorized station. Accordingly, the aeronautical terminals operating at 10,000 ft above ground level in this band pose no interference concerns with respect to co-frequency FS stations and therefore will not need to be coordinated with FS located within the United States and its territories.

2. 47 C.F.R. § 25.202(a)(1)(ii)

Section 25.202(a)(1)(ii) of the Commission’s rules limits the use of the 37.5-40.0 GHz frequency band to individually licensed earth stations and prohibits serving individual consumers using the band.³¹ Intelsat seeks a waiver to permit the use of 37.5-40.0 GHz for the limited

²⁸ See 47 C.F.R. § 2.106, n. NG57.

²⁹ See *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order et al., FCC 17-122, 32 FCC Rcd 7809 ¶ 25 (2017) (“*NGSO Order*”).

³⁰ Intelsat will operate as permitted by local applicable laws and regulations.

³¹ See 47 C.F.R. § 25.202(a)(1)(ii).

purpose of serving individually licensed customer earth stations (not ubiquitously-deployed customer earth stations under a blanket license).³²

The 37.5-40.0 GHz frequency band is allocated to the Mobile Service, FS, and FSS. The purpose of this rule is to maximize the deployment of the co-primary Upper Microwave Flexible Use Service by limiting the number of protected FSS sites³³ and to avoid negative consumer experience for satellite broadband consumers.³⁴ In 37.5-40.0 GHz, Intelsat’s space-to-Earth operations will not exceed the Section 25.208(r) power flux-density limit that protects terrestrial users.³⁵ Additionally, the Intelsat MEO Constellation will only communicate with individually licensed earth stations, including user (consumer) terminals,³⁶ if the relevant earth station siting criteria is satisfied.³⁷ Further, issuing this limited waiver is consistent with Commission precedent.³⁸

³² Intelsat understands that use of these frequencies in this manner will be predicated on obtaining the necessary waiver(s) for the associated earth stations.

³³ See *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services et al.*, Report and Order et al., FCC 16-89, 31 FCC Rcd 8014 ¶ 93 (2016).

³⁴ See *Use of Spectrum Bands above 24 GHz for Mobile Radio Services*, Second Report and Order et al., FCC 17-152, 32 FCC Rcd 10988 ¶¶ 219-20 (2017).

³⁵ See 47 C.F.R. § 25.208(r).

³⁶ One or more of Intelsat’s individually licensed earth stations operating in this band could be dedicated to a single customer.

³⁷ See 47 C.F.R. § 25.136(b)-(c).

³⁸ See, e.g., *Theia Holdings A, Inc. Request for Authority to Launch and Operate a Non-Geostationary Satellite Orbit System in the Fixed-Satellite Service, Mobile-Satellite Service, and Earth-Exploration Satellite Service*, Order and Authorization et al., FCC 19-42, 34 FCC Rcd 3526 ¶ 30 (2019) (“*Theia Grant*”) (“We agree that the context of the prohibition on serving individual consumers is in relation to small, ubiquitously deployed earth stations, not large individually-licensed earth station facilities as proposed by Theia, even if used to serve a single customer. Accordingly, we grant Theia’s request for a waiver of Section 25.202(a)(1)(ii), with a condition that Theia may only use the 37.5-40.0 GHz band to serve individually-licensed customer earth stations, and not ubiquitously-deployed customer earth stations under a blanket license.”).

B. 47 C.F.R. §§ 25.155(b), 25.157(c)

The Commission administers NGSO processing rounds to protect the investment expectations of prior authorized systems while ensuring competitive opportunities for later entrants.³⁹ In light of this objective, when receiving an NGSO application, the Commission determines “whether it is a ‘competing application,’ *i.e.*, filed in response to a public notice initiating a processing round, or a ‘lead application,’ *i.e.*, all other applications for NGSO-like satellite operation.”⁴⁰ An NGSO application “will be entitled to comparative consideration with one or more mutually exclusive applications only if the application is received by the Commission in a condition acceptable for filing by the ‘cut-off’ date specified in a public notice.”⁴¹ Taking this approach “maintain[s] the flexibility to evaluate the particulars in deciding whether to waive a processing round rather than restrict [the Commission] via a one-size-fits-all approach.”⁴²

Processing round waiver requests receive case-by-case treatment.⁴³ During that review, the Commission considers whether frequency sharing is feasible; whether the grant might deteriorate prior applicants’ investments; and whether the current applicant would face any undue hardship, be subject to unfair processes, or be unable to provide the range of services it proposes.⁴⁴

³⁹ See *NGSO Order* ¶ 61.

⁴⁰ 47 C.F.R. § 25.157(c).

⁴¹ 47 C.F.R. § 25.155(b).

⁴² *Kuiper Systems, LLC Application for Authority to Deploy and Operate a Ka-band Non-Geostationary Satellite Orbit System*, Order and Authorization, 35 FCC Rcd 8324 ¶ 44 (2020) (“*Kuiper Grant*”).

⁴³ See *NGSO Order* ¶ 61.

⁴⁴ See *Kuiper Grant* ¶¶ 43-44.

With respect to only two frequency bands in this Petition, 12.75-13.25 GHz and 14.0-14.5 GHz, Intelsat requests a waiver of the processing round rules. Under Intelsat's proposal, frequency sharing would be possible, and the investments of previous Ku-band applicants would remain unharmed. In contrast, declining Intelsat's request for a waiver would create undue hardship for Intelsat, subject Intelsat to unfair processes, and prevents U.S. consumers from receiving the benefits of the range of services Intelsat will provide with its MEO constellation.

Frequency sharing. Intelsat's operations would preclude neither 2020 processing round Ku-band applicants nor other future entrants from using the proposed Ku-band frequencies. Intelsat would coordinate frequency use in good faith; meet the default NGSO FSS sharing criteria and subsequent rule changes,⁴⁵ and employ highly directional antennas, software-defined radios, beam-forming and beam-shaping techniques, satellite diversity, and other progressive interference-mitigation tools to permit frequency sharing in this band.

Prior applicants' investments. Although Intelsat is submitting this present Ku-band application after the 2020 processing round's application cut-off deadline,⁴⁶ the inclusion of this Petition in the 2020 processing round and the issuance of rights consistent with those applicants is justified because no investment-backed expectations would be upset. In particular, the four prior Ku-band applicants all propose new or drastically different systems.⁴⁷ As a result, they

⁴⁵ See 47 C.F.R. § 25.261.

⁴⁶ See *Cut-off Established for Additional NGSO FSS Applications or Petitions for Operations in the 10.7-12.7 GHz, 12.75-13.25 GHz, 13.8-14.5 GHz, 17.7-18.6 GHz, 18.8-20.2 GHz, and 27.5-30 GHz Bands*, Public Notice, DA 20-325, 35 FCC Rcd 2881 (IB 2020) ("2020 Processing Round PN") (establishing May 26, 2020 as the deadline).

⁴⁷ Four applicants sought Ku-band access in the 2020 processing round: Kepler (new system), New Spectrum Satellite (new system with different configuration from initial 2017 proposal), OneWeb (drastic system reconfiguration), and SpaceX (new system). See Application of Kepler Communications Inc., IBFS File No. SAT-PDR-20200526-00059 (filed May 26, 2020); Application of WorldVu Satellites Limited, IBFS File Nos. SAT-MPL-20200526-00062 & SAT-APL-20210112-00007 (filed May 26, 2020 and amended Jan. 12, 2021); Application of

likely have yet to fully finance their systems, complete system design, or coordinate in earnest in the little time that has passed since filing their applications because none have received the necessary authority or are currently deploying other NGSO systems.

Undue hardship, unfair processes, and inability to deploy a range of services. Without the waiver, undue hardship, unfair processing, and service-deployment difficulties unique to Intelsat would ensue. Intelsat might have to wait two to four years, based on timelines from recent rounds, for another Ku-band processing round to open. Even if another processing round opens, grant of this Petition may not occur immediately given the Commission’s current application backlog (eight processing round applications pending⁴⁸ along with numerous other license applications) and resource constraints (multiple satellite-related rulemakings and personnel shortages). Furthermore, if the Intelsat MEO Constellation’s Ku-band frequencies are unavailable for use in the United States, these issues could delay and even seriously impede commencement of the enhanced connectivity services that Intelsat’s unique multi-orbit, multi-frequency network will provide U.S. consumers. In turn, the public benefit provided by Intelsat’s hybrid network would be limited.

The present situation is distinguishable from the Commission’s recent dismissal of a similar waiver request. Kuiper Systems LLC (“Kuiper”) sought a waiver of the processing round rules after the application cut-off deadline (approximately thirty-one months earlier) and after seven of the eight remaining applicants received FCC authority.⁴⁹ The Commission rejected the

New Spectrum Satellite, IBFS File No. SAT-APL-20200526-00060 (filed May 26, 2020); Application of Space Exploration Holdings, LLC, IBFS File Nos. SAT-LOA-20200526-00055 & SAT-AMD-20210818-00105 (filed May 26, 2020 and amended Aug. 18, 2021).

⁴⁸ See e.g., Application of Mangata Networks LLC, IBFS File No. SAT-PDR-20200526-00054 (filed May 26, 2020).

⁴⁹ See *Kuiper Grant* ¶¶ 35-45; see, e.g., *Theia Grant*; *Space Exploration Holdings, LLC Application for Approval for Orbital Deployment and Operating Authority for the SpaceX NGSO*

waiver request. Kuiper had not demonstrated that, without the waiver, it would face any undue hardship, have been subject to unfair processes, or be unable to provide the range of services it proposed.⁵⁰ The same is not true here, as described above.⁵¹ Given the specifics of this Petition and pace of development in the NGSO satellite sector, an appropriate, unique environment exists to support waiver of the processing round rules in the public interest.

C. 47 C.F.R. § 25.112(a)

Applications are “unacceptable for filing and will be returned to the applicant” if they, among other potential defects, lack “completeness of answers to questions [or] informational showings.”⁵² Even in these cases, however, the Commission’s rules provide that the Commission may accept a defective application if accompanied by an appropriate waiver request.⁵³

Applications in this V-band processing round—covering myriad frequency bands with different and shifting requirements—require submission before system design is final because of the applicable processing round cut-off deadlines and state-of-the-art design for satellite systems. As a result, out of an abundance of caution and to the extent necessary, Intelsat requests that the

Satellite System et al., Order and Authorization et al., 33 FCC Rcd 3391 (2018); *WorldVu Satellites Limited Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System*, Order and Declaratory Ruling, 32 FCC Rcd 5366 (2017).

⁵⁰ See *Kuiper Grant* ¶¶ 43-44.

⁵¹ Moreover, Intelsat’s waiver request of the processing round rules arrives approximately seventeen months after the application cut-off deadline, which is nearly less than half the time of Kuiper’s situation. Given that relatively little time has passed, none of the four prior Ku-band applicants have secured FCC authority. As a result, the Commission can still sufficiently consider sharing consequences when processing the other applications, and Intelsat can engage in coordination discussions still early in the process for the reasons previously discussed.

⁵² 47 C.F.R. § 25.112(a)(1).

⁵³ See *id.* § 25.112(b)(1).

Commission waive application acceptability requirements, limit any deficiencies found in this Petition to the particular issue, afford Intelsat an opportunity to rectify issues, and forgo dismissing the entire Petition. Good cause exists for the requested waiver. Granting it would avoid unduly harsh results (particularly given that this application is being filed as part of two processing rounds) and would conserve limited FCC resources by allowing any concerns to be addressed on an issue-specific basis.

V. MILESTONE AND BOND REQUIREMENTS

The Intelsat MEO Constellation will be subject to the Commission's milestone and surety bond requirements set forth in Sections 25.164 and 25.165 of the Commission's rules.⁵⁴

⁵⁴ *See id.* §§ 25.114(d)(14)(v), 25.164, 25.165.

VI. CONCLUSION

For the reasons set forth above, Intelsat respectfully requests that the Commission grant this Petition and the accompanying waivers.

Respectfully submitted,

Intelsat License LLC

By:

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November 4, 2021

Exhibit A

FCC Form 312, Response to Question 34: Foreign Ownership

The Commission previously approved foreign ownership in Intelsat License LLC (“Intelsat”) in the *Intelsat-Serafina Order*.¹ In 2012, the International Bureau authorized the transfer of control of Intelsat.² There have been no other material changes to Intelsat’s foreign ownership since the date of the *Intelsat-Serafina Order*.

¹ *Intelsat Holdings, Ltd., Transferor, and Serafina Holdings Limited, Transferee, Consolidated Application for Consent to Transfer of Control of Holders of Title II and Title III Authorizations*, Memorandum Opinion and Order, FCC 07-220, 22 FCC Rcd 22151 (2007).

² *Intelsat Global Holdings, S.A., Applications to Transfer Control of Intelsat Licenses and Authorizations from BC Partners Holdings Limited to Public Ownership*, Order, DA 12-768, 27 FCC Rcd 5226 (2012). The transfer of control was fully consummated on June 14, 2018. See Letter from Jennifer D. Hindin, Counsel for Intelsat, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 11-205 (filed June 14, 2018).

Exhibit B

FCC Form 312, Response to Question 40: Officers, Directors, and Ten Percent or Greater Shareholders

The officers and directors/managers of Intelsat License LLC and Intelsat License LLC, as debtor in possession, are as follows:

Officers:

David Tolley, Chairman
José Toscano, Deputy Chairman
Michelle Bryan, General Counsel, Chief
Administrative Officer, and Secretary
Mirjana Hervy, Director, Finance

Board of Managers:

David Tolley
José Toscano
Michelle Bryan

The business address of all Intelsat License LLC and Intelsat License LLC, as debtor in possession, officers and members of the Board of Managers is 4, rue Albert Borschette L-1246 Luxembourg.

Intelsat License LLC and Intelsat License LLC, as debtor in possession, are Delaware limited liability companies that are indirectly wholly owned by Intelsat S.A. Specifically, Intelsat License LLC and Intelsat License LLC, as debtor in possession, are wholly owned by Intelsat License Holdings LLC, also a Delaware limited liability company. Intelsat License Holdings LLC is wholly owned by Intelsat Ventures S.à r.l., a Luxembourg company, which is in turn wholly owned by Intelsat Alliance LP, a Delaware limited partnership. Intelsat Alliance LP is managed by one general partner and two limited partners—Intelsat Genesis GP LLC, Intelsat Genesis Inc., and Intelsat Jackson Holdings S.A., respectively. Intelsat Genesis GP LLC is a Delaware limited liability company, which is wholly owned by Intelsat Genesis Inc., a Delaware corporation.

Intelsat Genesis Inc. is a wholly owned subsidiary of Intelsat Jackson Holdings S.A., a Luxembourg company. Intelsat Jackson Holdings S.A. is wholly owned by Intelsat Connect Finance S.A., a Luxembourg company, which in turn is wholly owned by Intelsat Envision Holdings LLC, a Delaware limited liability company. Intelsat Envision Holdings LLC is wholly owned by Intelsat (Luxembourg) S.A., a Luxembourg company. Intelsat (Luxembourg) S.A. is wholly owned by Intelsat Investments S.A., a Luxembourg company, which in turn is wholly owned by Intelsat Holdings S.A., a Luxembourg company. Intelsat Holdings S.A. is wholly owned by Intelsat Investment Holdings S.à r.l., a Luxembourg company. Intelsat Investment Holdings S.à r.l. is wholly owned by Intelsat S.A., a Luxembourg company. Each of these entities may be contacted at the following address: 4, rue Albert Borschette, L-1246 Luxembourg.

Intelsat S.A. is a publicly traded company. To the best of Intelsat’s knowledge, and with the exception of BC Partners Holdings Limited (“BCP”), described below, no person or entity holds a ten percent or greater ownership interest in Intelsat S.A. as of November 4, 2021.

Name:	BCP
Address:	West Wing, Floor 2, Trafalgar Court, Les Banques, St Peter Port, Guernsey, Channel Islands
Citizenship:	Guernsey
Indirect Interest:	Approximately 34% ¹

¹ The exact indirect interest held by BCP is subject to fluctuation as Intelsat S.A.’s stock is publicly traded.



Postfach 80 01, 55003 Mainz

An/ATo

Federal Communications Commission
445 12th Street, SW
Washington D.C., 20554
United States

Copy: Radiocommunication Bureau, Geneva

Datum/Date/Date: 2021/10/26

Mail to → ibmail@fcc.gov

Anzahl nachfolgender Seiten:
Nombre des pages suivant cette feuille:
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1

Information

Bei unvollständigem Empfang Nachricht an:

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En cas de réception défectueuse, informez s.v.p.:

Thomas Weber

E-Mail satsystems@BNetzA.DE

If not properly received, please call:

Fax: +49 61 31 18 56 14

**Subject: Information about the ODYSSEY NGSO-2 satellite system
(Operating entity: INTELSAT)**

Reference: ITU SNL Database (SNL C) under D2021-43881 dated 12 Oct. 2021

Our reference: 223-3 USA ODYSSEY NGSO-2 20211026

Dear Madam, dear Sir,

By this letter, the Federal Network Agency (Bundesnetzagentur), Germany, confirms that Intelsat is pursuing an authorization to launch and operate a non-geostationary satellite orbit (NGSO) network under the authority of the Federal Republic of Germany, in all or part of the following frequencies: 10700-12700 MHz, 12750-13250 MHz, 14000-14500 MHz, 37.5-42.5 GHz, 47.2-50.2 GHz and 50.4-51.4 GHz.

The Federal Network Agency (Germany) has submitted advance publication information to the International Telecommunication Union (ITU) for the NGSO satellite network ODYSSEY NGSO-2 on behalf of Intelsat. The filing is currently in the ITU backlog. Additional filings at the ITU may be made as well.

The Federal Network Agency (Germany) understands that this letter will be provided to the U.S. Federal Communications Commission in connection with a petition for U.S. market access for the network described above.

Zentrale Anschlüsse/Postes centraux/Central call numbers

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☎ (0 61 31) 18-0
+49 61 31 18-0

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Thomas Weber". The signature is fluid and cursive, with a long horizontal stroke at the end.

By direction of the President,
Thomas Weber, Satellite Services Department 223, Federal Network Agency,
Germany