

S2715 SAT-RPL-20061219-00155
PanAmSat Licensee Corp.
GALAXY 17

IB2006003384

Approved by OMB
3060-0678

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Galaxy 17 @ 91° W.L.

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	FCC Use Only
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APPLICANT INFORMATION

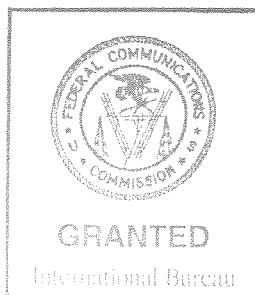
Enter a description of this application to identify it on the main menu:

PanAmSat Application for Authority to Operate Replacement Satellite Galaxy 17 at 91 W.L.

1-8. Legal Name of Applicant			
Name:	PanAmSat Licensee Corp.	Phone Number:	202-944-7848
DBA Name:		Fax Number:	202-944-7870
Street:	3400 International Drive, N.W.	E-Mail:	susan.crandall@intelsat.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20008 -3006
Attention:	Susan H Crandall		

See also: SAT-AMD-
20070123-00013

1



w/conditions

File # SAT RPL-20061219-00155

Call Sign S2715 Grant Date April 24, 2007
(or other identifier)

Term Dates
From _____ To: see conditions

Approved: *[Signature]*
Policy Branch Chief

Attachment
Conditions of Authorization
IBFS File Nos. SAT-RPL-20061219-00155, SAT-AMD-20070123-00013
PanAmSat Galaxy 17
Call Sign: S2715
April 24, 2007

PanAmSat Licensee Corp.'s (PanAmSat)'s request to launch and operate the replacement¹ C and Ku-band Galaxy 17 satellite, IBFS File No. SAT-RPL-20061219-00155 as amended by File No. SAT-AMD-20070123-00013 (Call Sign: S2715), to be located at the 91° W.L. orbital location IS GRANTED. Accordingly, PanAmSat is authorized to provide Fixed Satellite Services (FSS) in the 3700-4200 MHz (space-to-Earth), 5925-6425 MHz (Earth-to-space), 11.7-12.2 GHz (space-to-Earth) and 14.0-14.5 GHz (Earth-to-space) frequency bands using the Galaxy 17 satellite at the 91° W.L. orbital location, in accordance with the technical specifications set forth in application, this Attachment, and the Commission's Rules and subject to the following conditions:

1. PanAmSat shall operate the Galaxy 17 satellite at the 91° W.L orbital location in compliance with all existing coordination agreements for that location.
2. PanAmSat shall prepare the necessary information, as may be required, for submission to the International Telecommunication Union (ITU) to initiate and complete the advance publication, international coordination, due diligence, and notification process of this space station, in accordance with the ITU Radio Regulations. PanAmSat shall be held responsible for all cost-recovery fees associated with these ITU filings. We also note that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination and notification procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. *See* 47 C.F.R. §25.111(b).
3. Galaxy 17 must begin providing service at the 91° W.L. orbital location in the C- and Ku-bands before the satellite it is replacing, Galaxy 11, discontinues service at the 91° W.L. orbital location.² Failure to meet this milestone date shall render this authorization null and void.

¹ PanAmSat's application for Galaxy 17 does not include a request for the 10.95-11.2 GHz and 13.75 – 14.0 GHz frequency bands. These bands were authorized on the Galaxy 11 at the 91° W.L orbital location.

² Among other things, a replacement satellite is one that is scheduled to be launched so that it will be brought into use at approximately the same time as, but no later than, the existing satellite is retired. 47 C.F.R. § 25.165(e)(2).


4. PanAmSat's request for waiver of Section 25.210(i), of the Commission's rules, 47 C.F.R. § 25.210(i), IS GRANTED as conditioned. Section 25.210(i) directs, "Space station antennas in the Fixed-Satellite Service must be designed to provide a cross-polarization isolation such that the ratio of the on axis co-polar gain to the cross-polar gain of the antenna in the assigned frequency band shall be at least 30 dB within its primary coverage area." PanAmSat indicates that the cross-polarization isolation for Galaxy 17's C-band receive antenna is at least 30 dB in its primary coverage area, except for Hawaii, where it is greater than 27 dB. Similarly, Galaxy 17's C-band transmit antenna is at least 30 dB in its primary coverage area, except for Hawaii and Puerto Rico, where the cross-polarization isolation is equal to or greater than 28 dB and 25 dB, respectively. Also, Galaxy 17's Ku-band transmit antenna provides a cross-polarization isolation ratio of at least 30 dB in its primary coverage area, except for sections of the states of Louisiana, Mississippi, and Florida, where it is equal to or greater than 27 dB. We find that these shortfalls will not produce a significant increase in interference, except to the applicant itself, and will not adversely affect any other operator. As a condition of the grant of this waiver, PanAmSat must accommodate future satellite networks serving the United States that are two-degree compliant. Grant of this waiver request is consistent with our precedent.³
5. PanAmSat's request for a waiver of Section 25.114(d)(3) of the Commission's rules, 47 C.F.R. 25.114(d)(3), IS GRANTED as conditioned. Section 25.114(d)(3) requests each applicant to provide "Predicted space station antenna gain contour(s) for each transmit and each receive antenna beam and nominal orbital location requested." PanAmSat's omni antenna diagrams (Exhibits 6G and 6I) were not prepared in accordance with Section 25.114(d)(3) of the Commission's Rules. PanAmSat seeks a waiver of this requirement stating that the satellite manufacturer did not provide contours in the required form because pointing of the omni antennas with respect to the Earth will vary during emergency situations. Under these specific circumstances, we find that Exhibits 6G and 6I, together with the descriptive characterization provided in Section 2.8.1 of the application,⁴ fulfill the requirements of Section 25.114(d)(3). Grant of this waiver request is consistent with our precedent.⁵

³ Star One S.A.; Petition for Declaratory Ruling to Add The Star One C1 Satellite at 65° W.L. to the Permitted Space Station List, *Order*, 19 FCC Rcd 16334 (Int'l Bur., Sat. Div. 2004) (finding that the impact on neighboring satellite systems of a 3-5dB difference from the required cross polarization isolation ratio would be negligible).

⁴ See PanAmSat Licensee Corp. application for authorization to launch and operate its Galaxy 17 satellite (Call Sign: S2715) at 91° W.L, IBFS File No. SAT-RPL-20061219-00155, Technical Exhibit at 15-16.

⁵ SES Americom, Inc., Application for Modification of Space Station Authorization, *Order and Authorization*, 19 FCC Rcd 20377, 20378-79 (paras. 5-8) (Int'l Bur., Sat. Div. 2004) (finding that the main purpose of the contour map is to allow evaluation of the potential for harmful interference with other operators and services in the frequency band.)

6. The license term for the space station is 15 years and will begin on the date PanAmSat certifies to the Commission that the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization. PanAmSat shall file its certification with the Chief, Satellite Division, International Bureau within 5 business days of the satellite being placed into operation at the 91° W.L. orbital location.
7. PanAmSat is afforded thirty days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
8. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

 GRANTED International Bureau <i>w/conditions</i>	File # <u>SAT-RPL-20061219-00155</u>
	Call Sign <u>S2715</u> Grant Date <u>April 24, 2007</u> (or other identifier)
	From _____ Term Dates _____ To: <u>see condition 6</u>
	Approved: <u>[Signature]</u> Policy Branch Chief

9-16. Name of Contact Representative

Name:	Jennifer D. Hindin; Chin Yoo	Phone Number:	202-719-4975
Company:	Wiley Rein & Fielding LLP	Fax Number:	202-719-7207
Street:	1776 K Street, NW	E-Mail:	jhindin@wrf.com; cyoo@wrf.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20006 -
Attention:		Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the buttonnext to the classification that applies to thisfiling for both questions a. and b. Choose only one for 17a and only one for 17b.

a.

- (N/A) a1. Earth Station
☒ a2. Space Station

b.

- ☒ b1. Application for License of New Station
(N/A) b2. Application for Registration of New Domestic Receive-Only Station
(N/A) b3. Amendment to a Pending Application
(N/A) b4. Modification of License or Registration
(N/A) b5. Assignment of License or Registration
(N/A) b6. Transfer of Control of License or Registration
(N/A) b7. Notification of Minor Modification
(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- ☐ b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
☒ b10. Replacement Satellite Application – no new frequency bands
☐ b11. Replacement Satellite Application – new frequency bands (Not eligible for streamlined processing)
☐ b12. Petition for Declaratory Ruling to be Added to the Permitted List
(N/A) b13. Other (Please specify)

<p>17c. Is a fee submitted with this application?</p> <p><input checked="" type="radio"/> If Yes, complete and attach FCC Form 159.</p> <p>If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).</p> <p><input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee</p> <p><input type="radio"/> Other (please explain):</p>					
<p>17c. Fee Classification BNY – Space Station (Geostationary)</p>					
<p>18. If this filing is in reference to an existing station, enter:</p> <p>(a) Call sign of station:</p> <p>Not Applicable</p>					
<p>19. If this filing is an amendment to a pending application enter:</p> <table border="0"> <tr> <td>(a) Date pending application was filed:</td> <td>(b) File number of pending application:</td> </tr> <tr> <td>Not Applicable</td> <td>Not Applicable</td> </tr> </table>		(a) Date pending application was filed:	(b) File number of pending application:	Not Applicable	Not Applicable
(a) Date pending application was filed:	(b) File number of pending application:				
Not Applicable	Not Applicable				

TYPE OF SERVICE

<p>20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:</p> <p> <input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify) </p>	
<p>21. STATUS: Choose the button next to the applicable status. Choose only one.</p> <p> <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier </p>	<p>22. If earth station applicant, check all that apply.</p> <p>Not Applicable</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:</p> <p> <input checked="" type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A </p>	
<p>24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).</p> <p> <input checked="" type="checkbox"/> a. C-Band (4/6 GHz) <input checked="" type="checkbox"/> b. Ku-Band (12/14 GHz) <input type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: Frequency Upper: (Please specify additional frequencies in an attachment) </p>	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- (N/A) a. Fixed Earth Station
(N/A) b. Temporary-Fixed Earth Station
(N/A) c. 12/14 GHz VSAT Network
(N/A) d. Mobile Earth Station
☒ e. Geostationary Space Station.
☐ f. Non-Geostationary Space Station
☐ g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. ☐ Yes ☒ No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No
30. Is the applicant an alien or the representative of an alien?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote. Exhibits	

BASIC QUALIFICATIONS

<p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<p>36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No Application
<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer. Technical Exhibit

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes. ☒ Yes ☐ No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43. ☐ Yes ☒ No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

PanAmSat Licensee Corp. hereby applies for authority to launch and operate a replacement C/Ku-band satellite, to be known as Galaxy 17, at the 91 degrees W.L. orbital location. Galaxy 17 is scheduled for launch in the April-July 2007 timeframe and is a replacement satellite for Galaxy 11. Galaxy 11 will be redeployed to 74 W.L.

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- ☐ Individual
- ☐ Unincorporated Association
- ☐ Partnership
- ☒ Corporation
- ☐ Governmental Entity
- ☐ Other (please specify)

45. Name of Person Signing
Susan H. Crandall

46. Title of Person Signing
Assistant General Counsel, Intelsat Corporation

47. Please supply any need attachments.		
1:	2:	3:
<p align="center">WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).</p>		

Completed Schedule S

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

PanAmSat Licensee Corp.

Application for Authority to Launch and
Operate a Replacement Satellite at 91°
W.L.

File No. SAT-RPL- _____

**APPLICATION FOR AUTHORITY TO LAUNCH
AND OPERATE A REPLACEMENT SATELLITE AT 91° W.L.**

PanAmSat Licensee Corp. ("PanAmSat"), pursuant to Section 25.114 of the Federal Communications Commission's ("FCC" or "Commission") rules,¹ hereby applies to launch and operate a replacement C/Ku-band satellite, to be known as Galaxy 17, at the 91° W.L. orbital location. Galaxy 17 is scheduled for launch in the April 15, 2007-May 15, 2007 timeframe and will replace the C/Ku-band satellite Galaxy 11 currently operating at 91° W.L. Upon receipt of Commission approval, Galaxy 11 will be redeployed to the nominal 74° W.L. orbital location to ensure continuity of service at that location pending the launch of Horizons 2, which was originally scheduled to be launched in 2007.² Due to a launch schedule delay outside of PanAmSat's control, Horizons 2 is not expected to be launched until the fourth quarter of 2008, a full year later than originally scheduled. Because the satellite currently operating at the nominal 74°

¹ See 47 C.F.R. § 25.114.

² PanAmSat has a valid authorization to launch and operate Horizons 2 at 74° W.L. See Public Notice, Satellite Policy Branch Information, Rep. No. SAT-00158 (rel. Aug. 29, 2003) (Aug. 19, 2003 stamp grant of File No. SAT-LOA-20000929-00137).

W.L. orbital location – SBS-6 – is expected to be de-orbited prior to that date, Galaxy 17's launch has been accelerated in order to allow Galaxy 11 to act as a gap-filler at that location.

As demonstrated below, PanAmSat is legally and technically qualified to launch and operate its proposed replacement satellite for the 91° W.L. orbital location. Moreover, grant of this application will serve the public interest by ensuring continuity of service to U.S. consumers at both 91° W.L. and 74° W.L., for the reasons described herein.

I. BACKGROUND

By this application, PanAmSat seeks to ensure continuity of service at the 91° W.L. orbital location by launching and operating Galaxy 17, a replacement satellite, at that location. Before Galaxy 11 is redeployed to the nominal 74° W.L. orbital location, PanAmSat will transfer its customers to Galaxy 17. To that end, PanAmSat's affiliate -- Intelsat Corporation (formerly PanAmSat Corporation) -- has contracted with Alcatel Alenia Space France ("Alcatel") to construct the replacement satellite, and pre-storage construction is complete. The satellite, which is presently in storage at the Alcatel factory in Cannes, France, will be removed from storage in the first quarter of 2007 for final preparation before shipment to the launch site. Galaxy 17 will be a C/Ku-band satellite and will operate on a non-common carrier basis.³

³ Because Galaxy 17, like all other satellites licensed to PanAmSat, will operate on a non-common carrier basis, Section 310 is not applicable to this license. See *Applications of The News Corporation Limited and The DIRECTV Group, Inc. (Transferors) and Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC and PEOP PAS, LLC (Transferees) for Authority to Transfer Control of PanAmSat Licensee Corp.*, Public Notice, 19 FCC Rcd 15424, 15425 (n. 5) (Int'l Bur. 2004) ("PanAmSat Public Notice Grant").

II. PANAMSAT IS QUALIFIED TO HOLD THE REPLACEMENT AUTHORIZATION REQUESTED HEREIN

A. Legal Qualifications

PanAmSat is legally qualified to hold the replacement space station authorization requested in this application. The information provided in the attached Form 312 demonstrates PanAmSat's compliance with the Commission's basic legal qualifications. In addition, PanAmSat already holds multiple Commission satellite licenses, and its "legal qualifications are a matter of record" before the Commission.⁴

B. Technical Qualifications

In the attached Form 312, Schedule S, and Technical Exhibit, PanAmSat demonstrates that it is technically qualified to hold the authorization requested herein. Specifically, PanAmSat provides the information currently required by Section 25.114 of the Commission's rules. In addition, PanAmSat's Technical Exhibit provides information on its compliance with the Commission's orbital debris mitigation rules.⁵

⁴ *PanAmSat Corporation, Application for Authority to Launch and Operate a Replacement C/Ku Hybrid Fixed Satellite Service Space Station at 99 [degrees] W.L.*, Order and Authorization, 15 FCC Rcd 16577, ¶ 3 (Sat. Div. 2000) (finding that PanAmSat's former parent company, PanAmSat Corporation, is "legally, financially, technically and otherwise qualified" to launch and operate a replacement satellite); *see also Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC, and PEOP PAS, LLC, Transferors and Intelsat Holdings, Ltd., Transferee, Consolidated Application for Authority to Transfer Control of PanAmSat Licensee Corp. and PanAmSat H-2 Licensee Corp.*, Memorandum Opinion and Order, FCC 06-85, ¶ 23 (rel. June 19, 2006) ("The Commission previously has determined that PanAmSat and Intelsat are qualified to hold licenses.") (citing *PanAmSat Public Notice Grant* at 15425; *Applications of Intelsat LLC for Authority to Operate, and to Further Construct, Launch, and Operate C-Band and Ku-Band Satellites that Form a Global Communications System in Geostationary Orbit*, Memorandum Opinion, Order and Authorization, 15 FCC Rcd 15460 (2000), recon. denied, 15 FCC Rcd 25234 (2000); *Intelsat, Ltd., Transferor, and Zeus Holdings Limited, Transferee, Consolidated Application for Consent to Transfers of Control of Holders of Title II and Title III Authorizations and Petition for Declaratory Ruling Under Section 310 of the Communications Act of 1934, As Amended*, Order and Authorization, 19 FCC Rcd 24820 (Int'l Bur., WTB and OET 2004)).

⁵ *Mitigation of Orbital Debris*, Second Report and Order, 19 FCC Rcd 11567 (2004).

C. Other Requirements

PanAmSat also meets all other applicable space station licensing requirements. For example, PanAmSat will meet the milestone schedule set forth in Section 25.164 of the Commission's rules.⁶ Indeed, PanAmSat already has taken steps toward completing these milestones in that its affiliate has contracted with Alcatel to build the satellite and pre-storage construction is complete. PanAmSat therefore meets all of the requirements necessary for grant of this application.

III. GRANT OF THIS APPLICATION WILL SERVE THE PUBLIC INTEREST

The Commission recognizes a "replacement expectancy" in orbital locations in order to protect the large investments made by satellite operators. The agency has stated,

[G]iven the huge costs of building and operating satellite space stations, there should be some assurance that operators will be able to continue to serve their customers. The Commission has therefore stated that, when the orbit location remains available for a U.S. satellite with the technical characteristics of the proposed replacement satellite, it will generally authorize the replacement satellite at the same location.⁷

In this case, PanAmSat holds a replacement expectancy for the 91° W.L. orbital location because the Commission authorized PanAmSat to operate Galaxy 11 at that

⁶ 47 C.F.R. § 25.164.

⁷ *Columbia Communications Corporation Authorization to Launch and Operate a Geostationary C-band Replacement Satellite in the Fixed-Satellite Service at 37.5° W.L.*, Memorandum Opinion and Order, 16 FCC Rcd 20176, ¶ 7 (2001) (citing *Assignment of Orbital Locations to Space Stations in Domestic Fixed-Satellite Service*, Memorandum Opinion and Order, 3 FCC Rcd 6972, n.31 (1988) and *GE American Communications, Inc.*, Order and Authorization, 10 FCC Rcd 13775, ¶ 6 (Int'l Bur. 1995)).

location. As demonstrated in the Technical Exhibit and Schedule S, Galaxy 17 is technically consistent with Galaxy 11.⁸

In addition, grant of this application will serve the public interest by ensuring continuity of service to U.S. consumers from the 91° W.L. orbital location. PanAmSat stands ready to deploy a replacement satellite to the 91° W.L. orbital location before Galaxy 11 reaches the end of its useful life, and, as noted above, has made concrete steps toward constructing Galaxy 17.

The Commission has stated that granting replacement applications ensures that service will be provided to U.S. consumers as efficiently as possible because the current licensee will be familiar with the service requirements and, given its experience, should be able to deploy a replacement satellite in the shortest possible time.⁹ In this case, as noted above, grant of the present replacement application also serves the public interest by ensuring continuity of service at the nominal 74° W.L. orbital location until Horizons 2 can be launched, because it will allow the redeployment of Galaxy 11 to that location.

⁸ *Amendment of the Commission's Space Station Licensing Rules and Policies*, 18 FCC Rcd 10760, ¶ 257 (2003) ("We do not require replacement satellites to be technically 'identical' to the existing satellite. We recognize that next-generation satellites will incorporate satellites with technical advancements made since the previous generation satellite was launched. We do not intend to change this policy, which facilitates state-of-the-art systems. Rather, we will continue to assess only whether operations of the replacement satellite will be consistent with our international coordination obligations pursuant to regulations promulgated by the International Telecommunication Union.") (internal citations omitted).

⁹ *See Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, 18 FCC Rcd 1962, ¶ 83 (2003) ("Repairing or even replacing a malfunctioning satellite, for all its complexity, requires less time than designing and constructing a new system. Even in the worst case where a satellite is destroyed, a licensee can ordinarily replace a lost satellite with a ground spare at the next available launch window, or procure a technically identical satellite in an expedient manner since it would have already completed the complex design process.").

IV. CONCLUSION

Based on the foregoing, PanAmSat respectfully requests that the Commission grant this replacement satellite application.

Respectfully submitted,

/s/ Susan H. Crandall

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