

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application for Authority to Launch and Operate Intelsat 19, a Replacement Satellite, at 166.0° E.L.

File No. SAT-RPL- _____

**APPLICATION FOR AUTHORITY TO LAUNCH AND OPERATE
INTELSAT 19, A REPLACEMENT SATELLITE, AT 166.0° E.L.**

Intelsat License LLC (“Intelsat”), 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 Intelsat 19, at the 166.0° E.L. orbital location. Intelsat 19 is scheduled for launch on a Sea Launch vehicle in April/May 2012 and will replace the Intelsat 8 satellite (call sign S2460), which is currently operating at 166.0° E.L.² Intelsat 19 will operate on a non-common carrier basis.³

¹ 47 C.F.R. § 25.114.

² See *PanAmSat Licensee Corp. Application for Authority to Construct, Launch and Operate a Hybrid International Communications Satellite*, 14 FCC Rcd 2719 (1998); *Policy Branch Information: Actions Taken*, Report No. SAT-00358, DA 06-980, File No. SAT-MOD-20060228-00017 (May 5, 2006) (Public Notice). Intelsat 8 was launched in November 1998. Following traffic transition, and subject to receipt of FCC approval, Intelsat 8 will be re-deployed to a different location.

³ Because Intelsat 19, like all other satellites licensed to Intelsat, will operate on a non-common carrier basis, Section 310(b) is not applicable to this license. See *Applications of The News Corp. Ltd. 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 15,424, 15,425 (n.5) (Int’l Bur. 2004).

As demonstrated below, Intelsat is legally and technically qualified to launch and operate its proposed replacement satellite. Moreover, grant of this application will serve the public interest by ensuring continuity of service to U.S. customers at 166.0° E.L. In accordance with the Commission's requirements,⁴ this application has been filed electronically as an attachment to FCC Form 312 and Schedule S.

I. INTELSAT IS QUALIFIED TO HOLD THE REPLACEMENT AUTHORIZATION REQUESTED HEREIN

A. Legal Qualifications

Intelsat is legally qualified to hold the replacement space station authorization requested in this application. The information provided in the attached Form 312 demonstrates Intelsat's compliance with the Commission's basic legal qualifications. In addition, Intelsat already holds multiple Commission satellite licenses, and its "legal qualifications are a matter of record" before the Commission.⁵

B. Technical Qualifications

In the attached Form 312, Schedule S, and Engineering Statement, Intelsat demonstrates that it is technically qualified to hold the authorization requested herein. Specifically, Intelsat provides the information currently required by Section 25.114 of the Commission's rules. In addition, Intelsat's Engineering Statement provides information on its compliance with the Commission's orbital debris mitigation rules.⁶

⁴ 47 C.F.R. § 25.114(c).

⁵ *See Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC, and PEO 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, 21 FCC Rcd 7368, 7381 (¶ 23) (2006) ("The Commission previously has determined that PanAmSat and Intelsat are qualified to hold licenses.").

⁶ *Mitigation of Orbital Debris*, Second Report and Order, 19 FCC Rcd 11,567 (2004).

C. Requests for Waivers

Intelsat requests waiver of the following technical rules:

- (1) Section 25.210(i)(1), which specifies cross polarization isolation requirements within the primary coverage area; and
- (2) Section 25.210(a)(3), which requires all satellites operating in the C-band to be capable of switching polarization sense upon ground command.

Under Section 1.3 of the Commission's rules, the Commission has authority to waive its rules "for good cause shown."⁷ Good cause exists if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest" better than adherence to the general rule.⁸ In determining whether waiver is appropriate, the Commission should "take into account considerations of hardship, equity, or more effective implementation of overall policy."⁹ As shown below, there is good cause for each of the requested technical waivers.

1. Request for Waiver of Section 25.210(i)(1)

Intelsat requests waiver of Section 25.210(i)(1) of the Commission's rules. Section 25.210(i)(1) requires that satellites be designed to provide a cross-polarization isolation such that the ratio of the on-axis co-polar gain to the on-axis cross-polar gain of the antenna in the assigned frequency band will be at least 30 dB within its primary coverage area. As explained more fully on pages 5 and 6 and Exhibits 5D-1 through 5D-3 of the attached Engineering Statement, the 30 dB requirement is not met within a limited portion of the coverage areas of the Intelsat 19's West Hemi, North East Pacific and South West Pacific transmit beams.

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

⁸ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁹ *WAIT Radio*, 418 F.2d at 1159.

Good cause exists to waive the cross-polarization isolation requirement of Section 25.210(i)(1) because a failure to meet the requirement does not adversely affect any other operator.¹⁰ The FCC previously has acknowledged that non-compliance results primarily in self-interference and granted waivers to other operators in similar situations.¹¹ In this case, the level of isolation of the non-compliant Intelsat 19 beams is in excess of 26 dB. This level was the best that the satellite manufacturer could achieve without causing excessive degradation in the co-polarized gain of the beam and/or in the size of its coverage area. Further, deviation from the 30 dB requirement has minimal impact on interference to adjacent satellites. Intelsat has taken this level of isolation into account in its planned operations. Accordingly, Commission precedent supports a grant of Intelsat's requested waiver of Section 25.210(i)(1) for Intelsat 19.¹²

2. Request for Waiver of Section 25.210(a)(3)

Intelsat also requests a waiver of Section 25.210(a)(3) with respect to the C-band beams. Section 25.210(a)(3) requires satellites using C-band to provide domestic Fixed-Satellite Service to "be capable of switching polarization sense upon ground command."¹³

Grant of a waiver in this case will also not undermine the purpose of the rule. The requirement in Section 25.210(a)(3) to be capable of switching polarization sense upon ground

¹⁰ See *AMC-15 Ku-Band Circular Polarization Amendment*, File No. SAT-AMD-20030422-00069, Attachment Terms and Conditions of Authorization (¶ 5) (Aug. 18, 2004).

¹¹ See, e.g., *Applications of INTELSAT LLC; For Authority to Operator, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, 15 FCC Rcd 15,460, 15,503 (¶ 109) (2000); *New Skies Satellites N.V.; Petition for Declaratory Ruling*, Order, 17 FCC Rcd 10,369, 10,376-377 (¶ 19) (2002); *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 16,334, 16,339 (¶ 12) (2004).

¹² See *Application to Launch and Operate Intelsat 17, a Replacement Satellite, at 66.0 E.L.*, IBFS File No. SAT-LOA-20100726-00167 (stamp grant Nov. 17, 2010; re-issued stamp grant with further conditions Dec. 17, 2010).

¹³ 47 C.F.R. § 25.210(a)(3).

command is intended to minimize the impact of TV/FM interference into adjacent co-frequency satellite operating in a two-degree environment in the U.S. domestic arc.¹⁴ As noted in the Engineering Statement, however, there are no co-frequency C-band satellites located within two degrees of 166.0° E.L. The nearest co-frequency C-band satellite is Intelsat 5, located at 169.0° E.L. Intelsat will internally coordinate the C-band operations of Intelsat 19 and Intelsat 5. Moreover, Commission precedent supports a grant of Intelsat’s requested waiver of Section 25.210(a)(3) for the Intelsat 19 satellite.¹⁵

D. Operational Frequencies

The following chart shows the FSS frequencies that will be used by the Intelsat 19 satellite at 166.0° E.L., as well as the FSS frequencies that are currently used by the Intelsat 8 satellite at that location.

Frequency Band (MHz)	Intelsat 8	Intelsat 19
5925 – 6425	✓	✓
3700 – 4200	✓	✓
14000 – 14500	✓	✓
12250 – 12750	✓	✓

Notably, Intelsat 19 will operate on all the same frequencies as the Intelsat 8 satellite it is replacing.

¹⁴ See *Telesat Canada Petition for Declaratory Ruling for Inclusion of ANIK F3 on the Permitted Space Station List*, Order, 22 FCC Rcd 588, ¶ 10 (2007).

¹⁵ See *Policy Branch Information: Actions Taken*, Report No. SAT-00637, DA 09-2162, File No. SAT-RPL-20090123-00007 (Oct. 2, 2009) (Public Notice) (granting Intelsat a waiver of Section 25.210(a)(3) for the Intelsat 14 satellite).

II. 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.¹⁶

In this case, Intelsat holds a replacement expectancy for the 166.0° E.L. orbital location because the Commission authorized Intelsat to operate Intelsat 8 at that location.¹⁷ As demonstrated in the attached Engineering Statement and FCC Form 312, Schedule S, Intelsat 19 is technically consistent with, and uses all the same frequencies as, Intelsat 8.¹⁸

In addition, grant of this application will serve the public interest by ensuring continuity of service to U.S. consumers from the nominal 166.0° E.L. orbital location. Intelsat stands ready to deploy a replacement satellite to the 166.0° E.L. orbital location before Intelsat 8 reaches the end of its useful life or is relocated and has made concrete steps toward constructing Intelsat 19.

¹⁶ *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)).

¹⁷ *See supra* n. 2.

¹⁸ *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).

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.¹⁹

III. ITU COST RECOVERY

Intelsat is aware that processing fees are currently charged by the ITU for satellite filings, and that Commission applicants are responsible for any and all fees charged by the ITU.²⁰

Intelsat is aware of and unconditionally accepts this requirement and responsibility to pay any ITU cost recovery fees associated with the ITU filings that the Commission makes on behalf of Intelsat for the satellite proposed in this Application, as well as any ITU filings associated with any satellite system for which Intelsat may request authorization at a later date.

¹⁹ 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.”).

²⁰ See *Implementation of ITU Cost Recovery Charges for Satellite Network Filings*, Public Notice, DA 01-2435 (Oct. 19, 2001).

IV. CONCLUSION

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

Respectfully submitted,

/s/ Susan H. Crandall

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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 December 2009, the Commission also approved the *pro forma* changes in Intelsat’s foreign ownership.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. and Serafina Holdings Limited, Consolidated Application for Consent to Transfer of Control of Holders of Title II and Title III Authorizations*, Memorandum Opinion and Order, 22 FCC Rcd 22,151 (2007).

² See *Intelsat North America LLC, Intelsat LLC, PanAmSat Licensee Corp., PanAmSat H-2 Licensee Corp., and Intelsat New Dawn Company, Ltd., Applications for Pro Forma Transfer of Control*, File Nos. SAT-T/C-20091125-00128, SAT-T/C-20091125-00124, SAT-T/C-20091125-00127, SAT-T/C-20091125-00125, SAT-T/C-20091125-00126, SES-T/C-20091125-01505, SES-T/C-20091125-01502, SES-T/C-20091125-01506, SES-T/C-20091125-01504 and SES-T/C-20091125-01503 (granted Dec. 3, 2009).

Exhibit B
FCC Form 312, Response to Question 36: Cancelled Authorizations

Intelsat License LLC (“Intelsat”) has never had an FCC license “revoked.” However, on June 26, 2000, the International Bureau “cancelled” two Ka-band satellite authorizations issued to a former Intelsat entity, PanAmSat Licensee Corp. (“PanAmSat”),³ based on the Bureau’s finding that PanAmSat had not satisfied applicable construction milestones.⁴ In that same order, the Bureau denied related applications to modify the cancelled authorizations. PanAmSat filed an application for review of the Bureau’s decision, which the Commission denied, and subsequently filed an appeal with the United States Court of Appeals for the District of Columbia Circuit, which was dismissed in January 2003 at PanAmSat’s request. Notwithstanding the fact that the Bureau’s action does not seem to be the kind of revocation action contemplated by question 36, Intelsat is herein making note of the decision in the interest of absolute candor and out of an abundance of caution. In any event, the Bureau’s action with respect to PanAmSat does not reflect on Intelsat’s basic qualifications, which are well-established and a matter of public record.

³ All licenses previously held by PanAmSat Licensee Corp. have been assigned to Intelsat License LLC. See IBFS File Nos. SAT-ASG-20101203-00252 (granted Dec. 23, 2010), SES-ASG-20101203-0150 (granted Dec. 20, 2010), and SES-ASG-20101206-01502 (granted Dec. 20, 2010).

⁴ See *PanAmSat Licensee Corp.*, Memorandum Opinion and Order, 15 FCC Rcd 18720 (IB 2000).

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

The officers and directors/managers of Intelsat License LLC are as follows:

Officers:

Michael McDonnell, Chairman
Flavien Bachabi, Deputy Chairman
Phillip Spector, Secretary
Simon Van De Weg, Director, Finance

Board of Managers:

Michael McDonnell
Flavien Bachabi
Phillip Spector

The address of all Intelsat License LLC officers and members of the Board of Managers is:

4 rue Albert Borschette
L-1246 Luxembourg

Intelsat License LLC is a Delaware limited liability company that is wholly owned by Intelsat License Holdings LLC, also a Delaware limited liability company. Intelsat License Holdings LLC is wholly owned by Intelsat Subsidiary Holding Company S.A., a Luxembourg company. Intelsat Subsidiary Holding Company S.A. is wholly owned by Intelsat Phoenix Holdings S.A., a Luxembourg company. Intelsat Phoenix Holdings S.A. is wholly owned by Intelsat Intermediate Holding Company S.A., a Luxembourg company. Intelsat Intermediate Holding Company S.A. is wholly owned by Intelsat Jackson Holdings S.A., a Luxembourg company. Intelsat Jackson Holdings S.A. is wholly owned by Intelsat (Luxembourg) S.A., a Luxembourg company. Intelsat (Luxembourg) S.A. is wholly owned by Intelsat S.A., a Luxembourg company. Intelsat S.A. is wholly owned by Intelsat Holdings S.A., a Luxembourg company. Intelsat Holdings S.A. is wholly owned by Intelsat Global Subsidiary S.A., a Luxembourg company. Intelsat Global Subsidiary S.A. is wholly owned by Intelsat Global S.A., a Luxembourg company (“Intelsat Global”, formerly “Serafina Holdings Limited”). Each of these entities may be contacted at the following address: 4 rue Albert Borschette, L-1246 Luxembourg.

Intelsat Global’s ownership was approved by the Commission in the *Intelsat-Serafina Order*, has not changed materially and is incorporated by reference. See *Intelsat Holdings, Ltd. and Serafina Holdings Limited, Consolidated Application for Consent to Transfer of Control of Holders of Title II and Title III Authorizations*, Memorandum Opinion and Order, 22 FCC Rcd 22,151 (2007) (“*Intelsat-Serafina Order*”).