

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

In the Matter of

Intelsat License LLC, as debtor-in-
possession

Application for Authority to Launch and
Operate Galaxy 31, a Replacement
Satellite, at 121.0° W.L.

File No. SAT-RPL- _____

**APPLICATION FOR AUTHORITY TO LAUNCH AND OPERATE GALAXY 31,
A REPLACEMENT SATELLITE, AT 121.0° W.L.**

Intelsat License LLC, as debtor-in-possession (“Intelsat”), pursuant to Section 25.114 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ hereby applies for a U.S. license to launch and operate a C-band replacement satellite, to be known as Galaxy 31, at the 121.0° W.L. orbital location.² Galaxy 31 is scheduled for launch in Q2 2022 and, after traffic

¹ 47 C.F.R. § 25.114.

² The Commission’s rules permit replacement satellite applications in the 3700-4200 MHz band and these applications are not subject to the FCC’s 2018 filing freeze on new fixed satellite service (“FSS”) space station applications. *See* 47 C.F.R. § 2.106 n. NG182 (“In the band 3700-4200 MHz ... [a]pplications for extension, cancellation, replacement, or modification of existing space station authorizations in the band will continue to be accepted and processed normally.”); *International Bureau Announces Temporary Filing Freeze on New Fixed-Satellite Service Space Station Applications in the 3.7-4.2 GHz Band*, Public Notice, DA 18-640, 33 FCC Rcd 6119 (2018) (“The freeze does not apply to applications for modification of existing authorizations, relocations of existing space stations pursuant to the Commission’s fleet management policy, or to applications for replacement space stations.”); *see also Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, FCC 20-22, 35 FCC Rcd 2343, ¶ 115 n. 327 (2020) (“*C-band Order*”).

transition, will replace Galaxy 23 (S2592),³ which is currently operating pursuant to a market access grant.⁴ Galaxy 31 will operate on a non-common carrier basis.⁵

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 C-band customers at the 121.0° W.L. during and after the clearing of the lower 300 MHz for terrestrial mobile operations per the *C-band Order*. In accordance with the Commission’s requirements,⁶ this application has been filed electronically as an attachment to FCC Form 312 and Schedule S.

I. INTELSAT IS QUALIFIED TO HOLD THE AUTHORIZATION REQUESTED HEREIN

A. Legal Qualifications

Intelsat is legally qualified to hold the space station authorization requested in this application. The information provided in the attached Form 312 demonstrates Intelsat’s

³ The Ku- and Ka-band transponders of this spacecraft—known as EchoStar 9—are licensed by the United States to EchoStar Satellite Services L.L.C. *See Policy Branch Information; Actions Taken*, Report No. SAT-01444, File No. SAT-MOD-20191108-00128 (Jan. 31, 2020) (Public Notice).

⁴ *See Loral Spacecom Corp., Petition for Declaratory Ruling to Add Telstar 13 to the Permitted Space Station List*, Order, 18 FCC Rcd 16374 (Int’l Bur. 2003). Intelsat acquired ownership of the Telstar 13 satellite (later renamed Galaxy 23) from Loral Spacecom Corporation, Debtor-in-Possession on March 17, 2004. *See Policy Branch Information; Actions Taken*, Report No. SAT-00227, File No. SAT-PPL-20040318-00038 (July 16, 2004) (Public Notice) (“Telstar Order”).

⁵ Section 310(b) is not applicable to this application because Galaxy 31, like all other satellites licensed to Intelsat, will operate on a non-common carrier basis. *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, 19 FCC Rcd 15424, 15425 (n. 5) (Int’l Bur. 2004).

⁶ 47 C.F.R. § 25.114(c).

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.⁷

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.⁸ In addition, the Engineering Statement provides information demonstrating Intelsat’s compliance with the Commission’s orbital debris mitigation rules.⁹

II. OPERATIONAL FREQUENCIES

All of the existing frequencies licensed on Galaxy 23, 3700-4200 MHz and 5925-6425 MHz, are also on Galaxy 31. The telemetry, tracking, and control (“TT&C”) frequencies for Galaxy 31 are as follows: 4197.25 MHz, 4197.75 MHz, and 4199.95 MHz (space-to-Earth); and 6422.0 MHz and 6424.5 MHz (Earth-to-space).¹⁰

⁷ See *Constellation, LLC, Carlyle PanAmSat I, LLC, et al., 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 (rel. June 19, 2006) (“The Commission previously has determined that PanAmSat and Intelsat are qualified to hold licenses.”).

⁸ 47 C.F.R. § 25.114(c).

⁹ 47 C.F.R. § 25.114(d)(14); see also *Mitigation of Orbital Debris in the New Space Age*, Report and Order, 85 Fed. Reg. 52422 (2020); *Mitigation of Orbital Debris*, Second Report and Order, 19 FCC Rcd 11567 (2004).

¹⁰ Galaxy 31 is equipped with tunable TT&C by which center frequencies are selectable via ground command in 100 kHz steps. See Engineering Statement at § 2.3.

Intelsat will operate the Galaxy 31 satellite in accordance with the Commission's *C-band Order* and Footnote NG182 of the U.S. Table of Frequency Allocations.¹¹ Following the completion of the FCC's C-band transition, the Galaxy 31 satellite will provide service in the 3700-4000 MHz band only outside the contiguous United States,¹² as well as to the two consolidated TT&C/Gateway locations in Brewster, Washington and Andover, Maine – the latter on a non-protected basis.¹³

III. GRANT OF THIS REPLACEMENT APPLICATION WILL SERVE THE PUBLIC INTEREST

Intelsat intends to fulfill its C-band replacement expectancy at the 121.0° W.L. orbital location by operating Galaxy 31 at 121.0° W.L. prior to the retirement of Galaxy 23.¹⁴ Galaxy 23 is authorized by Papua New Guinea and was granted U.S. market access in 2003.¹⁵ Rather than continuing to provide service to the United States with a foreign-licensed satellite from the nominal 121° W.L. location, Intelsat seeks U.S. authorization for Galaxy 31 to replace the service offering of Galaxy 23. Intelsat therefore requests, to the extent necessary, that the Commission extend Intelsat's replacement expectancy at 121.0° W.L. to a domestically-authorized replacement satellite from a market access satellite.

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

¹¹ *C-band Order* at ¶ 152; 47 C.F.R. § 2.106, NG182.

¹² *Id.*

¹³ *Id.* at ¶ 134.

¹⁴ Intelsat expects the Galaxy 23/EchoStar 9 spacecraft to be deorbited shortly after the arrival of Galaxy 31.

¹⁵ *See Telstar Order, supra* n. 4.

[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 C-band frequencies at the 121.0° W.L. orbital location because the Commission granted Loral (subsequently transferred to Intelsat) market access to provide service to the United States from the Galaxy 23 satellite at that location in those frequencies.¹⁷ As demonstrated in the Technical Exhibit and Schedule S, the Galaxy 31 satellite's C-band characteristics are technically consistent with those of Galaxy 23.¹⁸ Grant of this application will serve the public interest by encouraging U.S. licensing of replacement satellites.

In addition, grant of this application will serve the public interest by ensuring continuity of service to customers from the 121.0° W.L. orbital location. Intelsat stands ready to deploy a replacement satellite to the 121.0° W.L. orbital location before Galaxy 23 reaches the end of its

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 Telstar 13 Order*, *supra* n. **Error! Bookmark not defined.**

¹⁸ *Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking, 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.”) (emphasis in original; internal citations omitted).

useful life or is relocated and Intelsat has made concrete steps toward constructing Galaxy 31. The Commission has stated that granting replacement applications ensures that service will be provided to customers 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

Grant of this application will further serve the public interest by enabling accelerated clearing of a portion of the C-band spectrum in accordance with the *C-Band Order*.²⁰ As described in detail in Intelsat's *Final Transition Plan*, the Galaxy 31 satellite will help create sufficient capacity to repack existing services into less spectrum and effectuate spectrum clearing.²¹ The satellite, which is scheduled to launch in Q2 2022, will enable Intelsat to more intensively use the 4000-4200 MHz band, thereby facilitating the successful transition of existing services to the upper 200 MHz of C-band spectrum ahead of the clearing deadlines without any disruption to customers.²²

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 11030, ¶ 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 *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 85 Fed. Reg. 22804, ¶ 199 (Apr. 23, 2020).

²¹ See Letter from Michelle V. Bryan, Executive Vice President, General Counsel and Chief Administrative Officer, Intelsat US LLC, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 18-122 and 20-173, at 18-19 (Aug. 14, 2020).

²² *Id.* at 18.

IV. MILESTONE AND BOND REQUIREMENTS

As a replacement satellite, Galaxy 31 is not subject to milestone conditions, and Intelsat is not required to post a bond under Sections 25.164(a) and 25.165(a) of the Commission's rules.²³

V. CONCLUSION

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

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Respectfully submitted,

Intelsat License LLC

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²³ 47 C.F.R. §§ 25.164(a), 25.165(a).

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. 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 *In the Matter of Intelsat Global Holdings, S.A., Applications to Transfer Control of Intelsat Licenses and Authorizations from BC Partners Holdings Limited to Public Ownership*, Order, 27 FCC Rcd 5,226 (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, 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, 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 a 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 April 28, 2020.

Name: BCP
Address: Heritage Hall, Le Marchant Street, St Peter Port,
Guernsey, Channel Islands
Citizenship: Guernsey
Indirect Interest: Approximately 34%²⁶

²⁶ The exact indirect interest held by BCP is subject to fluctuation as Intelsat S.A.’s stock is publicly traded.