

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application for Authority to Launch
and Operate Galaxy 35, a Replacement
Satellite, at 95.15° W.L.

File No. SAT-RPL-_____

**APPLICATION FOR AUTHORITY TO LAUNCH AND OPERATE
GALAXY 35, A REPLACEMENT SATELLITE AT 95.15° W.L.**

Intelsat License LLC (“Intelsat”), pursuant to Section 25.114 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ hereby seeks authority to launch and operate a C-band replacement satellite, to be known as Galaxy 35, at the 95.15° W.L. orbital location.² Galaxy 35 is scheduled for launch in the fourth quarter of 2022 and will replace Galaxy 3C (S2381).³ The two satellites will be collocated at 95.15° W.L.⁴ and will be nominally

¹ 47 C.F.R. § 25.114.

² The Commission’s rules permit replacement satellite applications in the 3700-4200 MHz band. 47 C.F.R. § 2.106 n. NG182; *see also Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2391 ¶ 115 n. 327 (2020) (“*C-band Order*”).

³ Galaxy 3C is currently operating at 95.05° W.L. *See Intelsat License LLC, Application to Modify Authorization for Galaxy 3C*, Stamp Grant, File Nos. SAT-MOD-20170523-00077, SAT-AMD-20170613-00089 (July 20, 2017) (“*Galaxy 3C Modification Authorization*”). Subject to receipt of FCC approval and in preparation of the arrival of Galaxy 35, Galaxy 3C will be redeployed to 95.15° W.L. later this year. The frequency bands Galaxy 3C will use at 95.15° W.L. are identical to those currently used by the satellite at 95.05° W.L.

⁴ *Id.* Unless otherwise noted, Galaxy 3C’s future location of 95.15° W.L. is used as the location of Galaxy 3C throughout this narrative.

co-located with Intelsat 30 (S2887) and Intelsat 31 (S2924),⁵ two C/Ku-band satellites currently operating at 95.05° W.L. Intelsat will internally coordinate operations of its collocated and nominally collocated satellites at the nominal 95° W.L. orbital location. Galaxy 35 will operate on a non-common carrier basis.⁶

As demonstrated below, Intelsat is legally and technically qualified to launch and operate its proposed replacement satellite with new frequencies. Moreover, grant of this application will serve the public interest by ensuring continuity of C-band services at the nominal 95° W.L. orbital location during and after the clearing of the lower 300 MHz for terrestrial mobile operations pursuant to the *C-band Order*. In accordance with the Commission's rules,⁷ this application has been filed electronically as an attachment to FCC Form 312 and Schedule S.

I. INTELSAT IS QUALIFIED TO HOLD THE REQUESTED AUTHORIZATION

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 compliance with the Commission's basic legal qualifications. In addition, Intelsat already holds

⁵ See *Policy Branch Information, Actions Taken*, Report No. SAT-01036, File Nos. SAT-LOA-20121025-00187, SAT-AMD-20121221-00220 (Aug. 15, 2014) (Public Notice); *Policy Branch Information, Actions Taken*, Report No. SAT-01052, File No. SAT-LOA-20140410-00038 (Nov. 7, 2014) (Public Notice).

⁶ Section 310(b) is not applicable to this license because Galaxy 35, 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).

⁷ 47 C.F.R. § 25.114(c).

multiple Commission satellite licenses, and its legal qualifications are a matter of record before the Commission.⁸

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 required by Section 25.114 of the Commission's rules.⁹ In addition, the Engineering Statement provides information demonstrating Intelsat's compliance with the Commission's orbital debris mitigation rules.¹⁰

II. OPERATIONAL FREQUENCIES

The following chart shows the frequencies that will be used by the Galaxy 35, Galaxy 3C, Intelsat 30, and Intelsat 31 satellites at the nominal 95° W.L. orbital location.

	Galaxy 35	Galaxy 3C	Intelsat 30	Intelsat 31
3400-3700 MHz			✓	✓
3700-4200 MHz ¹¹	✓	✓		
5925-6425 MHz	✓	✓		
6425-6675 MHz		✓	✓	✓
6675-6725 MHz			✓	✓
10.95-11.2 GHz			✓	✓
11.45-12.2 GHz		✓	✓	✓
13.75-14.5 GHz		✓	✓	✓

⁸ See *Intelsat S.A., as debtor-in-possession, (Transferor) and New TopCo S.A. (Transferee)*, Order, IB Docket No. 21-375, DA 22-162, ¶ 14 (rel. Feb. 16, 2022) (“[W]e find that the Applicants are qualified to hold Commission licenses.”).

⁹ See 47 C.F.R. § 25.114.

¹⁰ 47 C.F.R. § 25.114(d)(14); see also *Mitigation of Orbital Debris*, Second Report and Order, 19 FCC Rcd 11567 (2004).

¹¹ With the exception of the telemetry, tracking, and command frequencies (“TT&C”), Intelsat is only seeking authority to operate in the 4000-4200 MHz downlink band in the contiguous United States. Outside of the contiguous United States, Intelsat is seeking to operate in

With the exception of the 6425-6675 MHz frequency band, all of the existing C-band frequencies licensed on Galaxy 3C are also on Galaxy 35. The 6425-6675 MHz frequency band and the Ku-band frequencies on Galaxy 3C are already licensed on both Intelsat 30 and Intelsat 31.

The Galaxy 35 design allows Intelsat to select the satellite's TT&C frequencies within the 3700-4200 MHz (space-to-Earth) and 5925-6425 MHz (Earth-to-space) bands in 100 kHz steps. Intelsat seeks authority to operate TT&C anywhere within these bands consistent with the satellite's design.¹²

Additionally, Intelsat will operate the Galaxy 35 satellite in accordance with the Commission's *C-band Order* and Footnotes NG182 and NG457A of the U.S. Table of Frequency Allocations.¹³ Following the completion of the FCC's C-band transition, the Galaxy 35 satellite will provide service in the 3700-4000 MHz band only to earth stations outside the contiguous United States, on a non-protected basis to earth stations on vessels, and on a non-protected basis to Intelsat's two consolidated TT&C/gateway sites in Brewster, Washington and Andover, Maine.¹⁴

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,

the entire 3700-4200 MHz band. *See* 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, ¶ 152 (2020); 47 C.F.R. § 2.106, NG182.

¹² *See* Engineering Statement at § 2.3.

¹³ *C-band Order* at ¶¶ 57, 152; 47 C.F.R. § 2.106, fn. NG182, NG457A.

¹⁴ *Id.* Intelsat has sought reconsideration to allow its continued access to 500 MHz at these consolidated international TT&C/Gateway sites on a protected basis to ensure C-band service continuity to customers on its international C-band satellites. *See* Intelsat License LLC Petition for Reconsideration, GN Docket No. 18-122 (filed May 26, 2020).

[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.¹⁵

In this case, Intelsat holds a replacement expectancy for the C-band frequencies at the nominal 95° W.L. orbital location because the Commission authorized Intelsat to operate Galaxy 3C at that location in those bands.¹⁶ As demonstrated in the Technical Exhibit and Schedule S, the replacement C-band payload on Galaxy 35 is technically consistent with Galaxy 3C.¹⁷

In addition, grant of this application will serve the public interest by ensuring continuity of service to consumers from 95.15° W.L. Intelsat stands ready to deploy a replacement satellite to 95.15° W.L. before Galaxy 3C reaches the end of its useful life or is relocated, and has made concrete steps toward constructing Galaxy 35.¹⁸ The Commission has stated that granting

¹⁵ *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, DA 01-2633, 16 FCC Rcd 20176, 20178, ¶ 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, 13775-76, ¶ 6 (Int'l Bur. 1995)).

¹⁶ *See Galaxy 3C Modification Authorization.*

¹⁷ *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, 10858, ¶ 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).

¹⁸ *See, e.g.*, 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) (“Intelsat entered into an Authorization to Proceed (‘ATP’) agreement with [Maxar] for the purpose of ordering long lead-time items.”)

replacement applications ensures that service will be provided to 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

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 35 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 the fourth quarter of 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

("Final Transition Plan"). See also *Intelsat Finalizes Satellite and Launch Vehicle Contracts for U.S. C-band Spectrum Transition*, Intelsat Corporate Communications (Sept. 17, 2020), www.intelsat.com/newsroom/intelsat-finalizes-satellite-and-launch-vehicle-contracts-for-u-s-c-band-spectrum-transition/.

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*, Report and Order and Notice of Proposed Rulemaking, 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 *C-Band Order*, ¶ 199.

²¹ See *Final Transition Plan*, at 18-19.

²² *Id.* at 18.

IV. MILESTONE AND BOND REQUIREMENTS

As a replacement satellite, Galaxy 35 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 replacement satellite application.

Respectfully submitted,

Intelsat License LLC

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April 14, 2022

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 Intelsat's ownership structure, including foreign ownership.¹ There have been no material changes to Intelsat's ownership since the *2022 Intelsat Order*.

¹ See *Intelsat S.A., as debtor-in-possession (Transferor) and New TopCo S.A. (Transferee)*, Order, IBFS File No. SAT-ASG-20210826-00117, IB Docket No. 21-375, DA-22-162 (rel. Feb. 16, 2022) ("*2022 Intelsat Order*").

Exhibit B

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

Intelsat License LLC is a Delaware limited liability company. The officers and directors/managers of Intelsat License LLC are as follows:

Officers:

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

Board of Managers:

José Toscano
Michelle Bryan

The business address of all Intelsat License LLC officers and members of the Board of Managers is: 7900 Tysons One Place, McLean, Virginia 22102.

Intelsat License LLC is a Delaware limited liability company that is indirectly wholly owned by Intelsat S.A. (formerly named Intelsat Emergence S.A.). Specifically, Intelsat License LLC is wholly owned by Intelsat License Holdings LLC, 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 (Intelsat Genesis GP LLC, a Delaware limited liability company) and two limited partners (Intelsat Genesis Inc., a Delaware corporation, and Intelsat Jackson Holdings S.A., a Luxembourg company). Intelsat Genesis GP LLC is wholly owned by Intelsat Genesis Inc., which is wholly owned by Intelsat Jackson Holdings S.A. Intelsat Jackson Holdings S.A. is wholly owned by Intelsat Connect Finance S.à r.l., 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.à r.l., a Luxembourg company. Intelsat (Luxembourg) S.à r.l. is wholly owned by Intelsat Investments S.à r.l., a Luxembourg company, which in turn is wholly owned by Intelsat Holdings S.à r.l., a Luxembourg company. Intelsat 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.

Pacific Investment Management Company LLC (“PIMCO”), a Delaware limited liability company, serves as the manager or investment advisor for a number of investment funds and other investment vehicles that each hold less than 10% of the voting and non-voting equity interests in Intelsat S.A. However, to the best of Intelsat’s knowledge, as of February 23, 2022, the aggregate total of the voting and non-voting equity interests in Intelsat S.A. held by PIMCO-managed funds and certain parent entities of PIMCO exceeded 10%. Details regarding PIMCO are listed below.

PIMCO

Name: Pacific Investment Management Company LLC
Address: 650 Newport Center Drive, Newport Beach, CA
92660
Citizenship: United States (Delaware)
Indirect Voting Interest: Approximately 32.99%
Indirect Non-Voting Interest: Approximately 32.99%

A complete list of the investment funds and entities collectively controlling a 10% or greater indirect voting and indirect non-voting interest in Intelsat S.A. is set forth in Intelsat's 2022 application for consent to the assignment and transfer of control of authorizations.¹

¹ See Application for Assignment and Transfer of Control of Authorizations held by Intelsat License LLC, as debtor-in-possession, IBFS File No. SAT-ASG-20210826-00117 (filed Aug. 26, 2021).