

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Intelsat License LLC

Application for Authority to Launch
and Operate Galaxy 37, a Replacement
Satellite, at 127.0° W.L.

File No. SAT-RPL-_____

**APPLICATION OF INTELSAT LICENSE LLC FOR AUTHORITY TO LAUNCH
AND OPERATE GALAXY 37, A REPLACEMENT SATELLITE, AT 127.0° W.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 C-band replacement satellite,² to be known as Galaxy 37, at the 127.0° W.L. orbital location. The spacecraft also contains a Ku-band payload to be known as Horizons-4, which will be Japan-licensed (collectively, the “Galaxy 37 / Horizons-4” spacecraft).³ Galaxy 37 is

¹ 47 C.F.R. § 25.114.

² The Commission’s rules permit replacement satellite applications in the 3700-4200 MHz band. *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.”); *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, ¶ 152 n. 422 (2020) (“*C-band Order*”) (codifying modified portions of the International Bureau’s June 21, 2018 freeze to “bar new applications for space station licenses and new petitions for market access concerning space-to-Earth operations” but not “applications for extension, cancellation, replacement, or modification of existing authorizations”).

³ Horizons-4 Satellite LLC, which will be a 50/50 joint venture between Intelsat US LLC and JSAT International Inc., will separately seek U.S. market access for Horizons-4. Horizons-4 will replace Horizons-1 (S2475), a Japan licensed Ku-band payload on the Galaxy 13 / Horizons-1 spacecraft, at 127.0° W.L. For the Commission’s convenience, the attached Engineering Statement describes the full C- and Ku-band capabilities of the combined Galaxy 37 / Horizons-4 spacecraft.

scheduled for launch in July 2023 and, after traffic transition, will replace Galaxy 13 (S2386), which is currently operating at 127.0° W.L.⁴ Galaxy 37 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 at the 127.0° W.L. orbital location to C-band customers 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,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 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

⁴ See *Satellite Policy Branch Information; Actions Taken*, Report No. SAT-01369, File No. SAT-MOD-20181105-00082 (Feb. 8, 2019) (Public Notice) ("*Galaxy 13 Authorization*").

⁵ Section 310(b) is not applicable to this license because Galaxy 37, 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, 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).

⁶ 47 C.F.R. § 25.114(c).

⁷ 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 (2022) ("Granting the Applications would not

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, the Engineering Statement provides information demonstrating Intelsat's compliance with the Commission's orbital debris mitigation rules.⁸

II. OPERATIONAL FREQUENCIES

All of the C-band frequencies licensed on Galaxy 13 are also on Galaxy 37. As noted above, the Galaxy 37 / Horizons-4 spacecraft also contains a Ku-band payload to be known as Horizons-4, which will replace the Japan-licensed Horizons-1 Ku-band capacity on the Galaxy 13 / Horizons-1 spacecraft and will be the subject of a separate petition for declaratory ruling for U.S. market access. The combined Galaxy 37 / Horizons-4 spacecraft contains all of the same frequencies currently on the combined Galaxy 13 / Horizons-1 spacecraft with no new frequencies. Specifically, both Galaxy 13 / Horizons-1 and Galaxy 37 / Horizons-4 have the capability to operate in the following frequencies: 3700-4200 MHz, 5925-6425 MHz, 11.7-12.2 GHz, and 14.0-14.5 GHz. The Galaxy 37 frequencies are as follows:

violate any statute or Commission rule, and we find that the Applicants are qualified to hold Commission licenses.”).

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

Frequencies:	3700-4200 MHz (space-to-Earth) 5925-6425 MHz (Earth-to-space) Telemetry, Tracking, and Command (“TT&C”) center frequencies: 12.1975 GHz and 12.1995 GHz (space-to-Earth) 14.0005 GHz and 14.49825 GHz (Earth-to-space)
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The above TT&C center frequencies are representative. Galaxy 37 is equipped with tunable TT&C that allow the center frequencies to be selectable by ground in 100 kHz steps within the 11.7-12.2 GHz (space-to-Earth) and 14.0-14.5 GHz (Earth-to-space) frequency bands. Intelsat seeks authority to operate TT&C anywhere within these bands consistent with the satellite’s design.

Intelsat will operate the Galaxy 37 satellite in accordance with the Commission’s *C-band Order* and Footnote NG182 of the U.S. Table of Frequency Allocations.⁹ Following the completion of the FCC’s C-band transition, the Galaxy 37 satellite will provide service in the 3700-4000 MHz band only to earth stations outside the contiguous United States or to Intelsat’s two consolidated TT&C/gateway sites in Brewster, Washington and Andover, Maine.¹⁰

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

⁹ *C-band Order* ¶ 152; 47 C.F.R. § 2.106, NG182.

¹⁰ *Id.* Intelsat has sought reconsideration to allow 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 (May 26, 2020).

satellite, it will generally authorize the replacement satellite at the same location.¹¹

In this case, Intelsat holds a replacement expectancy for the C-band frequencies at the 127.0° W.L. orbital location because the Commission authorized Intelsat to operate Galaxy 13 at that location in those bands.¹² As demonstrated in the Engineering Statement and Schedule S, Galaxy 37 is technically consistent with Galaxy 13.¹³

In addition, grant of this application will serve the public interest by ensuring continuity of service to consumers from the 127.0° W.L. orbital location. Intelsat stands ready to deploy a replacement satellite to the 127.0° W.L. orbital location before Galaxy 13 reaches the end of its useful life or is relocated and has substantially completed the construction of Galaxy 37. The Commission has stated that granting 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.¹⁴

¹¹ *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)).

¹² *See Galaxy 13 Authorization.*

¹³ *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) (citations omitted).

¹⁴ *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)

Grant of this application will further serve the public interest by facilitating Intelsat's efforts to complete the accelerated clearing of a portion of the C-band spectrum in accordance with the *C-Band Order*.¹⁵ The Galaxy 37 satellite is the final C-band replacement satellite set forth in Intelsat's *Final Transition Plan*, and will help Intelsat to complete its multiyear efforts pursuant to the *C-band Order* to create sufficient capacity to repack existing services into less spectrum and effectuate spectrum clearing.¹⁶ The satellite, which is scheduled to launch in July 2023, 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.¹⁷

IV. MILESTONE AND BOND REQUIREMENTS

As a replacement satellite, Galaxy 37 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.¹⁸

("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.").

¹⁵ See *C-band Order* ¶ 168.

¹⁶ 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).

¹⁷ *Id.* at 18.

¹⁸ 47 C.F.R. §§ 25.164(a), 25.165(a).

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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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 and Intelsat License LLC, as debtor in possession, 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 August 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.

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%