

January 22, 2007

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JAN 22 2007

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary



Re: Intelsat North America LLC Application for Special Temporary Authority Concerning the Intelsat 601 Satellite; Call Sign 2392 File No. SAT-STA-20061102-00128

Dear Ms. Dortch:

Intelsat North America LLC ("Intelsat") herein responds to the International Bureau's ("Bureau") January 5, 2007 letter requesting additional information relating to Intelsat's above referenced request to move Intelsat 601 from 63.65° E.L. to 47.5° E.L., where the satellite will operate under an authorization from the German administration.<sup>1</sup> For convenience, Intelsat reproduces and responds below to the information requested in the Bureau's letter.

**1. A detailed description of the ownership and management of Europe\*Star and PanAmSat Europe Company, as well as the relevant arrangements between either or both of these parties and Intelsat. If the arrangements concerning the operation of the Intelsat 601 satellite at the 47.5° E.L. orbital position have been reduced to writing, please provide a copy of any such document, with an English translation, if necessary.**

The entity that holds the authorization to operate at 47.5° E.L. is Europe\*Star Gesellschaft Fur Satellitenkommunikation mbH ("Europe\*Star"). PanAmSat Europe Corporation ("PanAmSat Europe"), a Delaware company that is wholly owned by Intelsat Corporation (f/k/a/ PanAmSat Corporation), owns 51 percent of Europe\*Star. Certain members of the Schulte-Hillen family and other entities own the remaining 49 percent of Europe\*Star. The German representative of the Schulte-Hillen family is Beatrix von Wietersheim. The directors and managers of Europe\*Star are:

Anita Beier  
Patricia Casey

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<sup>1</sup> See Letter from Robert G. Nelson, FCC, to Susan H. Crandall, Intelsat Corporation, File No. SAT-STA-20061102-00128 (Jan. 5, 2007).

The officers and directors of PanAmSat Europe are:

James B. Frownfelter -- President & COO and Director  
Patricia Casey -- General Counsel & Secretary and Director  
Anita Beier -- Controller and Director  
Linda Kokal -- Treasurer

Intelsat includes in this response, under a request for confidential treatment, the New Slot Usage Agreement between Europe\*Star and PanAmSat Europe and Schedule 1, Schedule 2, Appendix Part 1 and Appendix Part 2 to that agreement, which concerns the operation of the Intelsat 601 satellite at the 47.5° E.L. orbital location.<sup>2</sup>

**2. A copy of Europe\*Star's authorization from the German Administration to operate at the 47.5 E.L. orbital position, and an English translation of that authorization.**

Europe\*Star's authorization from the German Administration is contained in Appendix Part 2 of the New Slot Usage Agreement referred to in our reply to Question 1 above and provided under a request for confidential treatment. Intelsat provides as Annex 1, submitted under a request for confidential treatment, a letter provided by the German regulator confirming that the initial authorization allows Europe\*Star to operate at 47.5° E.L. a replacement of the Europe\*Star-B satellite initially operated at this orbital location.

**3. An explanation of whether Intelsat North America requires any approvals in addition to the Europe\*Star authorization (including the additional approval noted in n.4 of the STA request), particularly with respect to operation of the Intelsat 601 satellite and associated ground stations. The information submitted should also address whether Europe\*Star's authorization from the German Administration, or any additional authorizations, are intended to be sufficient to make Germany the licensing administration for Intelsat 601 pursuant to Article 18.1 of the ITU Radio Regulations.**

Among the frequencies included in the Intelsat 601 payload, Europe\*Star is already authorized to operate in 11.45-11.70 GHz and 14.00-

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<sup>2</sup> PanAmSat Europe and Intelsat are among the many Intelsat entities that are parties to a Master Intercompany Services Agreement ("MISA") that allows entities in the Intelsat corporate family generally to provide services to one another. The MISA does not specifically concern the operation of Intelsat 601 at 47.5° E.L.

14.50 GHz (see Annex 1). Europe\*Star is currently in the process of securing authorization for operation of the TT&C frequencies as specified in the STA request and will not start the drift until this authorization is granted by the German regulator. TT&C operations will be conducted from an earth station located in Fucino, Italy. This earth station is currently being utilized for TT&C transmissions to and from Intelsat 601 at its current location of 63.65° E.L. and has been leased to Intelsat from Telespazio. Telespazio holds a license from the Italian administration for operation of this earth station. The other frequency bands in the communications payload of Intelsat 601, i.e. 10.95-11.20 GHz, 5.925-6.425 GHz and 3.7-4.2 GHz, will be utilized from 47.5° E.L. as soon as the corresponding authorizations are granted by the German regulator. Europe\*Star is also in the process of securing such authorizations.

Europe\*Star's current authorization from the German Administration, as well as any additional authorizations as described in the previous paragraph, are intended to be sufficient to make Germany the licensing administration for Intelsat 601 pursuant to Article 18.1 of the ITU Radio Regulations.

**4. A technical assessment of the operability of the Intelsat 601 satellite, including any bus, payload, thermal control, fuel systems or solar array failures that have occurred; and a discussion of the unused fuel reserves on the satellite, the impact of those failures on the consumption of fuel by the satellite, and the projected life expectancy of the satellite.**

All bus, power, thermal control and propulsion systems on Intelsat 601 are operating nominally. Five C-band payload transponders were found unusable during IOT and have not been used throughout the mission. While a small number of payload receivers and HPAs have degraded since launch, the Intelsat 601 payload is otherwise fully operational. The projected end of life expectancy of the Intelsat 601 satellite is November 2011.

**5. A description of the arrangements for disposition of the satellite upon termination of the arrangements and/or the German authorization for operation at the 47.5° E.L. orbital location, or upon any event which results in removal of the satellite from the 47.5° E.L. orbital location.**

**6. Plan for post-mission disposal of the Intelsat 601 satellite.<sup>3</sup>**

Intelsat plans to keep Intelsat 601 at the 47.5° E.L. orbital location until it is de-orbited at the end of its useful life. Intelsat's plan for post-mission disposal is as follows. Intelsat will ensure that enough propellant remains for the

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<sup>3</sup> Intelsat notes that there are two requests identified as #5 in the Bureau's letter. Because the two requests appear to be related, Intelsat's answer responds to both.

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disposal of Intelsat 601 to a minimum 300 km above geostationary altitude at the end of its mission. In this reserve, Intelsat has accounted for uncertainties in propellant booking, non-usable propellant and usage for decommissioning. The decommissioning plans will likely consist of multiple maneuvers to ensure successful raising of both the satellite's perigee and apogee to the desired altitude. Intelsat will be monitoring the different sub-systems during all the decommissioning maneuvers to ensure that all systems are running as planned. The final decommissioning activities will include depleting all propellant, venting of pressurant, firing of all unfired pyros, and shutting down of all payload units and other power equipment. Intelsat's process and procedure for decommissioning this class of satellite was validated with the decommissioning of Intelsat 604 last year. Intelsat 604's final altitude was more than 500 km above the geostationary arc.

**7. An indication of what, if any, actions Intelsat intends to take with respect to its current authorization at 63.65° W.L. in light of the requirements of Section 25.161(c) of the Commission's rules.**

Upon the satellite's arrival at the 47.5° E.L. orbital location, Intelsat intends to relinquish its FCC authorization to operate the satellite at 63.65° E.L. Because the satellite will remain German licensed until it is de-orbited at the end of its useful life, Intelsat does not intend to re-license this satellite in the United States. Intelsat notes that it operates another satellite at the nominal 64° E.L. orbital location – specifically, Intelsat 906 at 64.15° E.L.

**8. Suggested points of contact within the German Administration.**

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**9. Any additional information that you believe would support a finding that a grant of the request would serve the public interest. In particular, please address whether any service benefits from operation of the satellite at the 47.5° E.L. orbital location could be achieved through operations pursuant to a U.S. authorization.**

Intelsat's request only seeks FCC permission pursuant to STA to drift Intelsat 601 to 47.5° E.L. Intelsat's STA request does not seek FCC approval to operate at that location. As noted in the STA request, the Intelsat 601 satellite will operate at that location pursuant to German authorization held by Europe\*Star. Accordingly, Intelsat does not believe it is necessary for it to show a public interest benefit associated with its operation of the satellite at that location as a U.S. -- compared to German -- licensee. The FCC will have no jurisdiction over the satellite's operation at 47.5° E.L. given that, as noted above in answer #6, Intelsat will relinquish its U.S. license for the satellite upon its arrival at the location.

Although Intelsat need not provide a public interest reason for operating as a German licensee at 47.5° E.L., it believes that the public interest will best be served by such operation. To be sure, Europe\*Star could have elected to allow Intelsat to operate Intelsat 601 under either a U.S. or a German authorization. Europe\*Star and Intelsat determined, however, that the interests of customers at 47.5° E.L. would best be served by Intelsat's operation of Intelsat 601 under German authorization for the following reason.

Intelsat believes that operating under the authorization of the administration that has notified to the ITU the frequency assignments of a given satellite network is better for customers than operating on a non-harmful interference basis through an authorization from an administration that does not retain the rights to international recognition conferred to assignments recorded in the ITU Master Register. Given that the notifying administration retains these rights to international recognition and has detailed knowledge of the coordination agreements that are in place, the notifying administration can better grant operating authority to satellite operators and their customers to operate consistent with those rights. By contrast, when a U.S. licensed satellite is authorized to operate at a non-U.S. location pursuant to another administration's filing, the Bureau -- for legitimate reasons -- has seen fit to condition such an authorization in the following relevant manner. First, the Bureau has conditioned the authorization on operation on a non-harmful interference basis, presumably because the United States is not a party to the coordination agreements relating to that location and wants to ensure that operation of its satellite does not raise interference disputes between other

administrations.<sup>4</sup> Second, the Bureau has required the operator in such situations to notify its customers that operations at the foreign location “are on a non-harmful interference basis and that [the operator] must cease operations upon notification of such interference.”<sup>5</sup> These two conditions, from both the operator’s and the customer’s viewpoint, are less than ideal.

Operating under German authorization, Intelsat expects to be able to operate pursuant to rights under a full authorization to operate, rather than on a non-harmful interference basis only. This authorization will provide customers greater certainty in their operations and allow a better utilization of satellite capacity and spectrum. Moreover, given that Intelsat expects to de-orbit Intelsat 601 from 47.5° E.L., this situation will not involve the need to re-license the satellite in the United States. In this case, therefore, there is more reason to operate under German authorization than under U.S. authorization.

It is the case that Intelsat must articulate a public interest reason supporting grant of its request *to drift* Intelsat 601 from 63.65° E.L. to 47.5° E.L. It has done so. As noted in the STA request, grant of Intelsat’s STA request will serve the public interest by allowing Intelsat to offer customers in Africa, the Middle East and Europe service from a new orbital location.<sup>6</sup> As further noted in the STA request, Ku-band capacity currently is in high demand over the Middle East.<sup>7</sup> Moreover, there is no risk of harmful interference during the drift, as Intelsat will be using only TT&C frequencies and will follow standard industry practices for coordination of such frequencies during the relocation process. Nor will the drift negatively affect customers currently operating on Intelsat 601. As Intelsat noted in the STA request, all existing customer contracts will have expired prior to commencement of the drift.<sup>8</sup>

Intelsat strongly believes that a satellite operator – and not a regulatory body – should be allowed to select the manner of operation – including licensing jurisdiction – that best serves customers, so long as such operation complies with national and international regulations. The Bureau previously has granted numerous requests of U.S. licensees to drift a satellite to a foreign location, whereupon the satellite was to change status from U.S. to foreign

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<sup>4</sup> See, e.g., *Intelsat North America LLC Application to Modify the Intelsat 602 Authorization to Relocate Intelsat 602 from the 50.5° E.L. Orbital Location to the 150.5 E.L. Orbital Location*, Order, 20 FCC Rcd 11,833,11,834-835 (¶ 5) (2005) (granting Intelsat North America’s request to operate under U.S. license against filings of the Administration of Indonesia).

<sup>5</sup> See *id.*, 20 FCC Rcd at 11,837 (¶ 14).

<sup>6</sup> See *Intelsat North America LLC Request for Special Temporary Authority for Intelsat 601*, File No. SAT-STA-20061102-00128, at 2 (filed Nov. 2, 2006).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

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licensed.<sup>9</sup> Intelsat's operation of Intelsat 601 at 47.5° E.L. will be in conformance with all German laws and regulations, including Germany's commitments in coordination agreements for the location. Moreover, Germany will be fully responsible for the satellite under Article 18.1 of the ITU Radio Regulations. Accordingly, there is no public interest reason for the Bureau to deny this request and grant of the request would serve the public interest.

Respectfully submitted,

*/s/ Susan H. Crandall*

Susan H. Crandall  
Assistant General Counsel  
Intelsat Corporation

cc: Robert Nelson  
Jim Ball  
Cassandra Thomas  
Fern Jarmulnek  
Karl Kensinger  
Jabin Vahora

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<sup>9</sup> See, e.g., *Application of DIRECTV Enter., LLC Request for Special Temporary Authority for the DIRECTV 5 Satellite*, *Application of DIRECTV Enterprises, LLC Request for Blanket Authorization for 1,000,000 Receive Only Earth Stations to Provide Direct Broad. Satellite Service in the United States using the Canadian Authorized DIRECTV 5 Satellite at the 72.5° W.L. Broad. Satellite Service Location*, Order and Authorization, 19 FCC Rcd 15,529, 15,538 (¶26) (Int'l Bur., Sat. Div. 2004); *EchoStar Satellite LLC, Request For Special Temporary Authority for the EchoStar 5 Satellite*, Order and Authorization, 20 FCC Rcd 11,755, 11,760 (¶13) (2005). By contrast, the Bureau in other instances has allowed the U.S. licensee to operate at a foreign location while remaining a U.S. licensee. See *supra* n.4. See also Policy Branch Information, Actions Taken, Report No. SAT-00408 (rel. Dec. 15, 2006), PanAmSat Licensee Corp. File No. SAT-MOD-20061018-00123 (Dec. 12, 2006) (providing continuing authority to operate PAS-9 (commercially known as PAS-5) at 26.15° E.L. until Sept. 30, 2008).