March 16, 2010

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

INTELSAT.

Re: Request for Special Temporary Authority for Intelsat 25
       Call Sign: S2804

Dear Ms. Dortch:

Intelsat North America LLC ("Intelsat") herein requests Special Temporary Authority ("STA")[1] for 14 days— from March 17, 2010 through March 30, 2010—to conduct in-orbit testing ("IOT") in the 14000–14500 MHz (uplink) and 12250-12750 MHz (downlink) bands for the Intelsat 25 satellite (call sign S2804) at the 31.5° W.L. orbital location.[2] Intelsat has a pending application for authority to operate the Intelsat 25 satellite at 31.5° W.L.[3]

In order to conduct IOT in the 12250-12750 MHz band, this application for STA requests a waiver of the U.S. Table of Frequency Allocations, Section 2.106 of the Commission's rules.[4] The 12250-12700 MHz band is allocated to fixed terrestrial and the broadcasting satellite service, and the 12700-12750 MHz band is allocated for fixed terrestrial, fixed satellite service (Earth-to-space) and mobile operations. Thus, Intelsat seeks waiver to provide fixed satellite service (space-to-Earth) in the 12250-12750 MHz band.

The Commission may grant a waiver for good cause shown.[5] The Commission typically grants a waiver where the particular facts make strict compliance

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[1] Intelsat has filed this STA request, an FCC Form 159 and an $830.00 filing fee electronically via the International Bureau's Filing System.
[2] On March 15, 2010, Intelsat was authorized to conduct IOT of C-band frequencies on the Intelsat 25 satellite at 31.5° W.L. *See* Request for Special Temporary Authority for Intelsat 25, Call Sign: S2804, File No. SAT-STA-20100312-00045 (stamp grant Mar. 15, 2010).
[3] *Intelsat North America LLC, Application for Authority to Operate Intelsat 25, an In-orbit Satellite, at 31.5° W.L.*, File No. SAT-A/O-20091223-00151 (filed Dec. 23, 2009) ("*Intelsat 25 Application*").
[4] 47 C.F.R. § 2.106. The 14000-14500 MHz band is allocated for fixed-satellite (Earth-to-space) operations; thus, waiver is not required for operations in this band.
[5] 47 C.F.R. §1.3.

inconsistent with the public interest.[6] In granting a waiver, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[7] Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest. As shown below, good cause exists here to grant a waiver allowing the Intelsat 25 satellite to conduct IOT using the 12250-12750 MHz (space-to-Earth) frequencies.

Grant of the STA will serve the public interest. Grant will allow Intelsat to begin partial in-orbit testing of the Intelsat 25 Ku-band payload promptly following the satellite's March 15, 2010 arrival at its proposed permanent operating location of 31.5° W.L. Intelsat 25 is a newly acquired in-orbit satellite. Testing is a critical step in ensuring that the satellite will be fully operational at 31.5° W.L. This, in turn, will provide customers with the benefits of additional capacity at the 31.5° W.L. location as quickly as possible.

Waiver is also appropriate in this case on hardship grounds. The Intelsat 25 satellite was a satellite constructed by a non-U.S. operator for operations outside the United States. As such, it does not include any conventional Ku-band downlink (space-to-Earth) frequencies. Intelsat acquired the satellite in a bankruptcy process and intends to operate the satellite primarily outside the United States. As explained in the pending application to operate Intelsat 25 at 31.5° W.L., the Intelsat 25 satellite will use the 12250-12750 MHz band to provide service to the northwestern portion of Africa.[8] Absent the requested waiver, the 14000-14500 MHz portion of Ku-band payload on the Intelsat 25 satellite could not be tested at all with Intelsat's U.S. earth station because these frequencies are paired with the 12250-12750 MHz Ku-band frequencies.

Furthermore, grant of this waiver will not cause harmful interference. As with any STA, Intelsat will conduct IOT services in the 12250-12750 MHz band on a non-harmful interference basis. In addition, Intelsat has coordinated with co-frequency satellite operators up to six degrees away from 31.5° W.L. Hispasat uses Ku-band frequencies on two satellites located at 30.0° W.L.—Hispasat 1C and Hispasat 1D. Intelsat will operate in accordance with its coordination agreements with Hispasat. Intelsat also operates (or shortly will operate) the

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[6] *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

[7] *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

[8] Intelsat 25 Application, Engineering Statement at 1.

other two closest satellites—at 29.5° W.L. and 34.5° W.L.—and thus internally can monitor and coordinate any interference with these two satellites. Intelsat notes that the primary users of the 12250-12700 MHz band in the United States are the incumbent direct broadcast satellite ("DBS") providers, EchoStar and DIRECTV. Co-frequency operation will not cause interference to these operators given the proposed orbital separation.[9] Finally, Comsearch has also indicated that coordination with terrestrial users is not required in the 12250-12750 MHz band. Accordingly, grant would be consistent with Commission precedent permitting non-conforming spectrum uses "when there is little potential interference into any service authorized under the Table of Frequency Allocations and when the non-conforming operator accepts any interference from authorized services."[10]

Grant will also provide the Commission additional time to complete its review of Intelsat's pending application for permanent authority to operate the Intelsat 25 satellite at the 31.5° W.L. orbital location. In particular, grant of this STA will provide needed time for completion of inter-agency coordination of the extended band frequencies. Intelsat understands and accepts that a grant of this STA would not prejudge the Commission's determination of Intelsat's request to operate Intelsat 25 at 31.5° W.L. on a permanent basis, and that testing pursuant to this STA is at Intelsat's risk.

Intelsat has assessed and limited the probability of the space station becoming a source of debris as a result of collision with large debris or other operational space stations. Intelsat is not aware of any other FCC licensed system, or any other system applied for and under consideration by the FCC, having an overlapping station-keeping volume with Intelsat 25 at the 31.5° W.L. location. Finally, Intelsat is not aware of any satellite network with an overlapping

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[9] The closest U.S. DBS satellite operates almost 30 degrees away at the nominal 61.5° W.L. orbital location. *See Application for Special Temporary Authority To Move EchoStar 12 to, and Operate It at 61.35° W.L.*, File No. SAT-STA-20100203-00021 (stamp grant Feb. 13, 2010); *see also EchoStar Satellite Operating Corporation, Application for Renewal of Authority to Operate EchoStar 3 at 61.5° W.L.*, File No. SAT-MOD-20071212-00173 (stamp grant Apr. 3, 2008) (authorizing EchoStar to continue operating the EchoStar 3 satellite at 61.5° W.L. through January 27, 2018).

[10] *See L-3 Communications Titan Corporation, Application for Authority to Operate a Mobile Earth Station to Provide Land Mobile Satellite Service in the Ku-Band*, Memorandum Opinion Order and Authorization, 24 FCC Rcd 3047, ¶ 9 (Int'l Bur. 2009) citing *Fugro-Chance, Inc.*, Order and Authorization, 10 FCC Rcd 2860 (Int'l Bur. 1995)

station-keeping volume with Intelsat 25 that is the subject of an ITU filing and that is either in orbit or progressing towards launch.

For the reasons set forth herein, Intelsat respectfully requests that the Commission expeditiously grant this request.

Sincerely,

Susan H. Crandall
Assistant General Counsel
Intelsat Corporation

cc: Bob Nelson
        Karl Kensinger
        Kathyrn Medley
        Stephen Duall