

S2804 SAT-STA-20100316-00048
Intelsat North America LLC

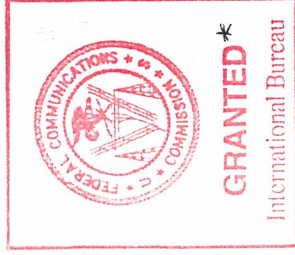
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File Number: SAT-STA-20100316-00048
Callsign:

File # SAT-STA-2010 0316-00048

Call Sign S2804 Grant Date 03/19/10

(or other identifier) Term Dates Period of 14 days
From 03/19/10 To: Approved by OMB 3060-0678



Approved: Stephen J. Duall
Chief, Satellite Policy Branch

*subject to conditions

FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY

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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

Request for STA to Conduct Partial Ku-band IOT for Intelsat 25 (Call Sign S2804) at 31.5 W.L.

1. Applicant

Name:	Intelsat North America LLC	Phone Number:	202-944-7848
DBA Name:		Fax Number:	202-944-7870
Street:	c/o Intelsat Corporation 3400 International Drive, N.W.	E-Mail:	susan.crandall@intelsat.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20008 -3006
Attention:	Susan H Crandall		

Attachment to Grant
IBFS File No. SAT-STA-20100316-00048
Call Sign S2804

The request of Intelsat North America LLC (Intelsat) for special temporary authority (STA), IBFS File No. SAT-STA-20100316-00048, IS GRANTED. Accordingly, Intelsat is authorized to conduct in-orbit testing of the Intelsat 25 space station (Call Sign S2804) at the 31.5° W.L. orbital location using the 14000-14500 MHz (Earth-to-space) and 12250-12750 MHz (space-to-Earth) frequency bands for a period of 14 days, commencing on March 19, 2010. This authorization is granted in accordance with the terms, conditions, and technical specifications set forth in Intelsat's application, the Commission's rules, and the conditions set forth below.

1. All operations shall be on unprotected and non-harmful interference basis, *i.e.*, Intelsat shall not cause harmful interference to, and shall not claim protection from, interference caused to it by any other lawfully operating station.
2. In the event of any harmful interference as a result of the operations of the Intelsat 25 space station during in-orbit testing at the 31.5° W.L. orbital location, Intelsat shall cease operations immediately upon notification of such interference and shall immediately inform the Commission, in writing, of such an event.
3. Intelsat shall maintain Intelsat 25 within an east/west longitudinal station-keeping tolerance of ± 0.05 degrees of the 31.5° W.L. orbital location.
4. Operations of the Intelsat 25 space station at the 31.5° W.L. orbital location are limited to in-orbit testing and shall not include any provision of commercial services.
5. Intelsat is granted a waiver of the U.S. Table of Frequency Allocations, Section 2.106 of the Commission's rules, 47 C.F.R. §2.106, to conduct IOT operations in the 12250-12700 MHz band (space-to-Earth) subject to conditions 1 & 2 above.
6. Any action taken or expense incurred as a result of operations pursuant to this STA is at Intelsat's own risk.
7. Grant of this authorization is without prejudice to any determination that the Commission may make regarding permanent operations of the Intelsat 25 space station at the 31.5° W.L. orbital location. See IBFS File No. SAT-A/O-20091223-00151.
8. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.



*subject to conditions

File # SAT-STA-20100316-00048

Call Sign S2804 Grant Date 03/19/10

(or other identifier)

Term Dates period of
From 03/19/10 To: 14 days

Approved: Stephen J. Duall

Stephen J. Duall
Chief, Satellite Policy Branch

2. Contact	
Name:	Jennifer D. Hindin
Company:	Wiley Rein LLP
Street:	1776 K Street, NW
City:	Washington
Country:	USA
Attention:	
Phone Number:	202-719-4975
Fax Number:	202-719-7049
E-Mail:	jhindin@wileyrein.com
State:	DC
Zipcode:	20006
Relationship:	Legal Counsel
(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)	
3. Reference File Number or Submission ID	
4a. Is a fee submitted with this application?	
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).	
<input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee	
<input type="radio"/> Other (please explain):	
4b. Fee Classification <input type="radio"/> CRY – Space Station (Geostationary)	
5. Type Request	
<input type="radio"/> Change Station Location	<input type="radio"/> Extend Expiration Date
<input type="radio"/> Other	<input checked="" type="radio"/> Other
6. Temporary Orbit Location	
7. Requested Extended Expiration Date	

<p>8. Description (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)</p> <div style="border: 1px solid black; padding: 5px;"> <p>Intelsat North America LLC herein requests Special Temporary Authority for 14 days, from March 17, 2010 through March 30, 2010, to conduct in-orbit testing 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. Intelsat has a pending application for</p> </div>					
<p>9. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes.</p> <p style="text-align: right;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>					
<p>10. Name of Person Signing Susan H. Crandall</p>	<p>11. Title of Person Signing Asst. Gen. Counsel, Intelsat Corporation</p>				
<p>12. Please supply any need attachments.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Attachment 1: STA Request</td> <td style="width: 50%;">Attachment 2:</td> </tr> <tr> <td></td> <td>Attachment 3:</td> </tr> </table>		Attachment 1: STA Request	Attachment 2:		Attachment 3:
Attachment 1: STA Request	Attachment 2:				
	Attachment 3:				
<p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).</p>					

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

8. Description

Intelsat North America LLC herein requests Special Temporary Authority for 14 days, from March 17, 2010 through March 30, 2010, to conduct in-orbit testing 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. Intelsat has a pending application for authority to operate the Intelsat 25 satellite at 31.5 W.L.

March 16, 2010

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



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

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.

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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

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.

Ms. Marlene H. Dortch

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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

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)

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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,

A handwritten signature in black ink, appearing to read "S. H. Crandall", written in a cursive style.

Susan H. Crandall
Assistant General Counsel
Intelsat Corporation

cc: Bob Nelson
Karl Kensinger
Kathryn Medley
Stephen Duall