March 23, 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 25, 2010 through April 7, 2010—to conduct in-orbit testing ("IOT") in the 13750–14000 MHz (uplink) and 11450–11700 MHz (downlink) extended Ku-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 11450–11700 MHz band, this application for STA requests a waiver of the footnote NG104 to the U.S. Table of Frequency Allocations, Section 2.106 of the Commission's rules, which limits the use of the 11450–11700 MHz frequency bands to "international systems."[4] The Commission has interpreted this restriction to mean that these bands may be used only to provide international service.[5] Intelsat will conduct IOT using earth station KA258, located in Clarksburg, Maryland. Thus, Intelsat seeks

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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] The FCC granted STA for in-orbit testing of the Intelsat 25 satellite's C-band payload effective March 15, 2010. *Request for Special Temporary Authority for Intelsat 25, Call Sign: S2804*, File No. SAT-STA-20100312-00045 (stamp grant, Mar. 15, 2010). The FCC granted STA for in-orbit testing in the 14000-14500 MHz (uplink) and 12250-12750 MHz (downlink) band portions of the Ku-band effective March 19, 2010. *See Request for Special Temporary Authority for Intelsat 25, Call Sign: S2804*, File No. SAT-STA-20100316-00048 (stamp grant, Mar. 19, 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] *See* 47 C.F.R. § 2.106 fn. NG104.

[5] *See Satellite Services*, 26 RR 2d 1257, 1263-65 (1973), and *GWARC Inquiry*, 70 F.C.C.2d 1193, 1252 (1978).

waiver to permit a U.S. earth station to communicate with the Intelsat 25 satellite at 31.5° W.L. for the limited purpose of IOT.

The Commission may grant a waiver for good cause shown.[6] The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.[7] 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.[8] 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 11450–11700 MHz frequencies.

Grant of the STA will serve the public interest. Grant will allow Intelsat to begin partial in-orbit testing of the remaining portions 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 includes mostly extended Ku-band frequencies.[9] 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 13750–14000 MHz and 11450–11700 MHz bands to provide service to the northwestern portion of Africa.[10] Absent the requested waiver, the 13750–14000 MHz portion of Ku-band payload on the Intelsat 25 satellite could not be tested at all with Intelsat's U.S. earth station

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[6] 47 C.F.R. §1.3.
[7] *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").
[8] *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.
[9] The only conventional Ku-band frequencies on the satellite are the 14000-14500 MHz (uplink).
[10] Intelsat 25 Application, Engineering Statement at 1.

because these frequencies are paired with the 11450–11700 MHz Ku-band frequencies.

Furthermore, grant of this waiver will not cause harmful interference. The purpose of this footnote is to limit the number of fixed satellite service earth stations with which the co-primary fixed terrestrial services would need to coordinate.[11] As with any STA, Intelsat will conduct IOT services in the 11450–11700 MHz band on a non-harmful interference basis. Moreover, Intelsat only seeks waiver of footnote NG104 for a limited period—14 days—and for a limited purpose—IOT. 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 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.

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

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[11] *See Satellite Services,* 26 RR 2d at 1263-65. *See also EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 83 ° W.L. Orbital Location,* Order and Authorization, DA 04-3162, ¶ 9 (Int'l Bur., Sept. 30, 2004) ("*EchoStar 83° Waiver*").

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