



File # SAT-STA-2010-0323-00054

Call Sign S2804 Grant Date 03/26/10

(or other identifier)

Term Dates 03/26/10 To: 14 days Period of 14 days

Approved: Stephen J. Duall

Approved by OMB 3060-0678

Date & Time Filed: Mar 23 2010 3:01:31:766PM
File Number: SAT-STA-20100323-00054
Callsign:

Stephen J. Duall
Chief/Satellite Policy Branch

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 IOT for Intelsat 25 (Call Sign S2804) at 31.5 W.L.


I. Applicant

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

Attachment to Grant
IBFS File No. SAT-STA-20100323-00054
Call Sign S2804

The request of Intelsat North America LLC (Intelsat) for special temporary authority (STA), IBFS File No. SAT-STA-20100323-00054, 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 13750-14000 MHz (Earth-to-space) and 11450-11700 MHz (space-to-Earth) frequency bands for a period of 14 days, commencing on March 26, 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 Footnote NG104 to 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 11450-11700 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.

 GRANTED * International Bureau * subject to conditions	File # <u>SAT-STA-2010 0323-00054</u>
	Call Sign <u>S2804</u> Grant Date <u>03/26/10</u> (or other identifier)
	Term Dates period of From <u>03/26/10</u> To: <u>14 days</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch

2. Contact	
Name:	Intelsat North America LLC
Company:	Intelsat North America LLC
Street:	c/o Intelsat Corporation 3400 International Drive, N.W.
City:	Washington
Country:	USA
Attention:	Susan H. Crandall
Phone Number:	202-944-7848
Fax Number:	202-944-7870
E-Mail:	jhindin@wileyrein.com
State:	DC
Zipcode:	20008 -
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 CRY - Space Station (Geostationary)	
5. Type Request	
<input type="radio"/> Change Station Location	<input type="radio"/> Extend Expiration Date
<input type="radio"/> Other	
6. Temporary Orbit Location	
7. Requested Extended Expiration Date	

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.)

Intelsat North America LLC herein requests Special Temporary Authority for 14 days -- from March 25, 2010 through April 7, 2010 -- to conduct in-orbit testing in the 13750-4000 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.

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.

Yes No

10. Name of Person Signing
Susan H. Crandall

11. Title of Person Signing
Asst. Gen. Counsel, Intelsat Corporation

12. Please supply any need attachments.

Attachment 1: STA Request

Attachment 2:

Attachment 3:

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).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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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.

March 23, 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 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

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).

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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

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 prejudice 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.

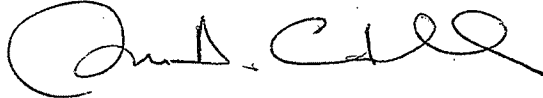
Intelsat has assessed and limited the probability of the space station becoming a source of debris as a result of collision with large debris or other operational space stations. Intelsat is not aware of any other FCC licensed system, or any other system applied for and under consideration by the FCC, 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.

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*").

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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 "Susan H. Crandall". The signature is fluid and cursive, with a large initial "S" and "C".

Susan H. Crandall
Assistant General Counsel
Intelsat Corporation

cc: Bob Nelson
Karl Kensinger
Kathryn Medley
Stephen Duall