

February 14, 2018

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

Re: Request for Further Extension of Special Temporary Authority to Conduct In-Orbit Testing of Intelsat 37e (S2972); File No. SAT-STA-20171031-00148

Dear Ms. Dortch:

Intelsat License LLC (“Intelsat”) hereby supplements the above-referenced application to provide the Federal Communications Commission (“FCC” or “Commission”) with additional information about Intelsat’s use of Ka-band frequencies at the nominal 85° E.L. location. The Commission has granted special temporary authority (“STA”) and extensions thereof to enable Intelsat to perform in-orbit testing (“IOT”) of Intelsat 37e at 84.55° E.L. These STA grants included a condition stating the U.S. Administration’s non-consent to IS37e’s operations being used for the purpose of preserving International Telecommunication Union (“ITU”) filings. In light of the unique and compelling circumstances described below, Intelsat respectfully requests grant of the pending further STA extension without a non-consent condition and with a statement that the United States Administration does not object to use of Intelsat 37e to bring into use Papua New Guinea’s NEW DAWN 34 ITU filing.

I. BACKGROUND

Intelsat currently operates two Ku-band satellites at the 85° E.L. orbital location, Intelsat 15 (call sign S2789) and Horizons 2 (call sign S2423).¹ Intelsat will replace and consolidate both satellites with a single satellite—to be called Intelsat 15R—with more powerful high-throughput and enhanced capability, expanded coverage and capacity, and multi-beam capability. On October 27, 2017, Intelsat filed an application seeking FCC authority to launch and operate Intelsat 15R.² Intelsat 15R includes a substantive Ka-band payload comprised of six fully flexible steerable spot beams, which will be interconnected to the Ku-band payload, in addition to a substantive Ka band payload to provide services over Japan and Korea. The combined Ka-band payload will operate in the 27.5-30 GHz and 17.8-20.2 GHz bands using the NEW DAWN 34 Ka-band filing, which was submitted to the ITU by the

¹ See *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-00663, File No. SAT-LOA-20090410-00043 (Jan. 29, 2010) (acknowledging completion of the launch and operation milestone for Intelsat 15 at 85.15° E.L.); *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-00842, File No. SAT-MOD-20110928-00190 (Feb. 3, 2012) (authorizing Intelsat to relocate and operate Horizons 2 at 84.85° E.L.).

² Intelsat License LLC, Application for Authority to Launch and Operate Intelsat 15R, a Replacement Satellite with new Frequencies at 85.0° E.L., File No. SAT-LOA-20171027-00145 (Oct. 27, 2017).

Administration of Papua New Guinea.³ The NEW DAWN 34 filing is formally assigned to Intelsat by the Administration of Papua New Guinea.

To preserve Intelsat's use of the Ka-band frequencies at nominal 85° E.L., Intelsat planned to operate Intelsat 37e at this orbital location for at least 90 days to satisfy the ITU requirement to bring ITU filings into use.⁴ The Commission granted a 30-day STA request authorizing Intelsat to conduct IOT for Intelsat 37e at 84.55° E.L., and twice extended the STA for an additional 30-day period.⁵ However, each of these authorizations contained a condition providing that "[t]he U.S. Administration does not consent to use of the Intelsat 37e space station operations herein authorized for claiming bringing into use or continuing the use of frequency assignments."⁶

Following the grant of the first STA authorizing Intelsat to conduct IOT at 84.55° E.L., Intelsat filed an application seeking a new STA authorization excluding the condition regarding bringing ITU filings into use ("BIU condition").⁷ The Commission has not yet acted on this application.

II. DISCUSSION

There are unique circumstances and compelling public interest benefits that support Intelsat's use of the Ka-band frequencies at the nominal 85° E.L. location and grant of a revised STA that both eliminates the non-consent condition and includes a statement that the United States Administration does not object to use of Intelsat 37e to bring into use Papua New Guinea's NEW DAWN 34 ITU filing.

Significantly, Intelsat's use of the frequencies clearly is not speculative. Intelsat is not seeking to preserve an ITU filing indefinitely absent plans to put it to permanent use. Instead, Intelsat is operating in full compliance with ITU Rules and Regulations in order to preserve access to spectrum needed for the planned launch and operation of a new satellite. Most recently, the Intelsat Board has approved a capital expenditure plan that includes Intelsat 15R at 85° E.L., contingent on closing the satellite's business case and, as noted above, Intelsat has already filed an application with the Commission for the requisite U.S. authority to launch and operate Intelsat 15R. Intelsat currently anticipates that Intelsat 15R will be launched and commence operating at the nominal 85° E.L. orbital location in the 4th quarter of 2020. Given the particular circumstances and concrete plans evidencing Intelsat's use of Ka-band at this location, the Commission need not be concerned that BIU of the NEW DAWN 34 filing by Intelsat 37e will encourage speculative behavior.

³ See *id.* at Engineering Statement, p. 6.

⁴ Intelsat 37e contains the 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.85 GHz, and 29.25-30 GHz frequency bands. See Intelsat License LLC, Request for Special Temporary Authority to Conduct In-Orbit Testing of Intelsat 37e, Call Sign S2972, Request at 1 (Sept. 21, 2017).

⁵ See *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01274, File No. SAT-STA-20170921-00135 (Oct. 26, 2017); *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01287, File No. SAT-STA-20171115-00156 (Dec. 1, 2017); *Policy Branch Information; Actions Taken*, Public Notice, Report No. SAT-01299, File Nos. SAT-STA-20171218-00173, SAT-STA-20180118-00007 (Jan. 26, 2018).

⁶ See *e.g.*, Intelsat License LLC, Request for Further Extension of Special Temporary Authority to Conduct In-Orbit Testing of Intelsat 37e, Call Sign S2972, File No. SAT-STA-20180118-00007, Stamp Grant Condition #6 (Jan. 23, 2018).

⁷ Intelsat License LLC, Request for Special Temporary Authority to Conduct In-Orbit Testing of Intelsat 37e, Call Sign S2972, File No. SAT-STA-20171031-00148 (Oct. 31, 2017).

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Moreover, preservation of Intelsat's ability to use Ka-band frequencies at the nominal 85° E.L. orbital location serves the public interest by enabling Intelsat to meet the growing needs of its existing customers at that location, which include U.S. government users. Intelsat 15 and Horizons 2, which currently are collocated at the nominal 85° E.L. location, carry significant traffic for the U.S. Department of Defense, including CENTCOM, Special Operations Command, and the U.S. Air Force Senior Leader Command, Control, and Communications System. These U.S. government users have an ongoing need for services at 85° E.L. location, and have increasingly been relying on Ka-band services in other parts of the world. Intelsat's ability to bring it use the NEW DAWN 34 filing will support the growing needs of its U.S. government and other customers at the nominal 85° E.L. orbital location.

Indeed, the ability of Intelsat 15R to provide Ka-band capabilities is essential to the business case supporting the capital expenditures for this new replacement satellite. Because Intelsat 15R is planned as a replacement for Intelsat 15 and Horizons 2, the no-BIU condition placed on the Intelsat 37e STA risks Intelsat's continued ability to serve its existing customers at the nominal 85° E.L. orbital location. Removal of the condition therefore serves the public interest by ensuring that Intelsat will be able to launch Intelsat 15R as a replacement at this location.

Finally, Intelsat understands that these unique facts supporting the requested agreement of the U.S. Administration to allow the BIU would not likely exist in the future. As such, Intelsat understands that were the U.S. Administration to consent in this case, such consent would not set precedent for future scenarios.

Accordingly, Intelsat respectfully urges the Commission expeditiously to grant the above-referenced application and include a statement in the authorization expressing the U.S. Administration's non-objection to Intelsat using Intelsat 37e's operations at 84.55° E.L. for bringing into use Papua New Guinea's NEW DAWN 34 ITU filing. As the Commission is aware, Papua New Guinea must take action regarding the NEW DAWN 34 ITU filing by February 28, 2018.

Please direct any questions regarding this supplement to the undersigned at (703) 559-7848.

Respectfully submitted,

/s/ Susan H. Crandall

Susan H. Crandall
Associate General Counsel
Intelsat Corporation

cc: Thomas Sullivan