

March 16, 2010

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



Re: Request for Special Temporary Authority for Clarksburg, Maryland  
Earth Station, Call Sign: KA258

Dear Ms. Dortch:

Intelsat North America LLC (“Intelsat”) herein requests Special Temporary Authority (“STA”)<sup>1</sup> for 14 days—from March 17, 2010 through March 30, 2010—to use its Clarksburg, Maryland Ku-band earth station, call sign KA258, to provide in-orbit testing (“IOT”) services for the Intelsat 25 satellite (call sign S2804) at the 31.5° W.L. orbital location in the 14000–14500 MHz (uplink) and 12250-12750 MHz (downlink) bands.

First, out of an abundance of caution, this STA request seeks to add the Intelsat 25 satellite at 31.5° W.L. as an authorized point of communication for the KA258 earth station.<sup>2</sup> The KA258 earth station is already authorized to communicate with “INTELSAT AOR @ 328.5 E.L. satellite of the INTELSAT system (U.S.-licensed).”

In addition, this application for STA seeks authority to operate the KA258 earth station temporarily in the 12250-12750 MHz band (downlink) frequencies to this point of communication<sup>3</sup> and requests a corresponding waiver of the U.S. Table of Frequency Allocations, Section 2.106 of the Commission’s rules.<sup>4</sup> 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 services (Earth-to-space)

<sup>1</sup> Intelsat has filed this STA request, an FCC Form 159 and an \$175.00 filing fee electronically via the International Bureau’s Filing System.

<sup>2</sup> Intelsat has a pending application for authority to operate the Intelsat 25 satellite at 31.5° W.L., *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”). Intelsat is simultaneously filing an application for special temporary authority for in-orbit testing of certain of the Ku-band frequencies of the Intelsat 25 satellite at 31.5° W.L.

<sup>3</sup> The KA258 earth station is already authorized to operate in the 14000–14500 MHz (uplink) frequency band.

<sup>4</sup> 47 C.F.R. § 2.106.

and mobile operations. Intelsat thus requires a waiver to provide fixed satellite service (space-to-Earth) services in the 12250-12750 MHz band.

The Commission may grant a waiver for good cause shown.<sup>5</sup> The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.<sup>6</sup> 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.<sup>7</sup> 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 KA258 earth station to test the Intelsat 25 satellite using the 12250-12750 MHz (space-to-Earth) frequencies.

Grant of this STA request will serve the public interest. Grant will allow Intelsat to begin in-orbit testing a portion of the Ku-band payload of the Intelsat 25 satellite soon after its March 15, 2010 arrival at its proposed permanent operating location of 31.5° W.L.<sup>8</sup> 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 use outside the United States. As such, it does not include any conventional Ku-band downlink 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.<sup>9</sup> 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.

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<sup>5</sup> 47 C.F.R. §1.3.

<sup>6</sup> *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

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

<sup>8</sup> The FCC granted STA for in-orbit testing of the Intelsat 25 satellite's C-band payload effective March 15, 2010.

<sup>9</sup> Intelsat 25 Application, Engineering Statement at 1.

Moreover, 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 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.<sup>10</sup> 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.”<sup>11</sup>

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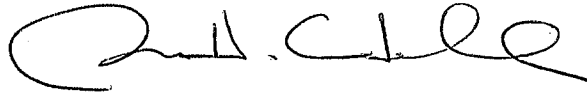
<sup>10</sup> The closest U.S. DBS satellite operates 30 degrees away at the nominal 61.5° W.L. orbital location. See *Application for Special Temporary Authority To Move EchoStar 12 to, and Operate It at 61.35° W.L.*, File No. SAT-STA-20100203-00021 (stamp grant Feb. 13, 2010); see also *EchoStar Satellite 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).

<sup>11</sup> 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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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", written in a cursive style.

Susan H. Crandall  
Assistant General Counsel  
Intelsat Corporation

cc: Kathryn Medley  
Stephen Duall