

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:  
Request for Special Temporary Authority for Clarksburg Maryland Earth Station KA258

**1. Applicant**

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

*With Condition*



File # SES-STA-20100316-00325

Call Sign KA258 Grant Date 3/22/2010  
(or other identifier)

Term Dates  
From 3/19/10 To: 4/1/10

Approved: Kathleen Malley

*Chief, Satellite Engrs. B.*

Attachment

SES-STA-20100316-00325  
KA258

Condition:

All operations shall be on an unprotected and non-harmful interference basis, i.e., Intelsat North America LLC. shall not cause harmful interference to, and shall not claim protection from, interference caused to it by any other lawfully operating station and it shall cease transmission(s) immediately upon notice of such interference.

*With Condition*



File # SES-STA-20100316-00325

Call Sign KA258 Grant Date 3/22/10  
(or other identifier)

Term Dates  
From 3/19/10 To: 4/1/10

Approved: Kathryn Madley  
*Chief Satellite Engrs. Br.*

**2. Contact**

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

If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

Governmental Entity  Noncommercial educational licensee

Other (please explain):

4b. Fee Classification CGX -- Fixed Satellite Transmit/Receive Earth Station

5. Type Request

Use Prior to Grant

Change Station Location

Other

6. Requested Use Prior Date

7. City Clarksburg

8. Latitude  
(dd mm ss.s h) 39 13 7.4 N

9. State MD	10. Longitude (dd mm ss.s h) 77 16 10.9 W
11. Please supply any need attachments. Attachment 1: STA Request                      Attachment 2:                      Attachment 3:	
12. 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.) <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Intelsat North America LLC herein requests Special Temporary Authority 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 services for the Intelsat 25 satellite (call sign S2804) at the 31.5 W.L. orbital location in the 14000-14500 MHz</p> </div>	
13. 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. <input checked="" type="radio"/> Yes <input type="radio"/> No	
14. Name of Person Signing Susan H. Crandall	15. Title of Person Signing Asst. General Counsel, Intelsat Corporation
<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.**

## **12. Description**

Intelsat North America LLC herein requests Special Temporary Authority 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 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.

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”)<sup>2</sup> 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>3</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.

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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.

<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>

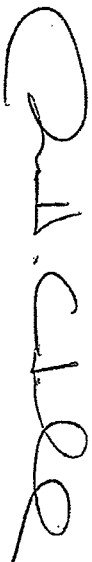
<sup>10</sup> The closest U.S. DBS satellite operates 30 degrees away at the nominal 61.5° W.L. orbital location. See *Application for Special Temporary Authority To Move EchoStar 12 to, and Operate It at 61.35° W.L.*, File No. SAT-STA-20100203-00021 (stamp grant Feb. 13, 2010); see also *EchoStar Satellite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

Susan H. Crandall  
Assistant General Counsel  
IntelSat Corporation

cc: Kathryn Medley  
Stephen Duall