

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 Clarksburg, Maryland
Earth Station, Call Sign: KA258

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 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 13750-14000 MHz (uplink) and 11450-11700 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.² 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 13750-14000 MHz band (uplink) frequencies to this point of communication.³ The 13750-14000 MHz band is allocated to the fixed-satellite service (Earth-to-space), and is also allocated to standard frequency and time signal-satellite (Earth-to-space), space research, and radiolocation operations. As described below, Intelsat has coordinated the use of the 13750-14000 MHz band by the KA258 earth station to confirm that

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

² 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 the same Ku-band frequencies of the Intelsat 25 satellite at 31.5° W.L.

³ The KA258 earth station is already authorized to operate in the 11450 – 11700 MHz (downlink) frequency band.

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operations do not cause harmful interference to other satellite operators in the band.

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 seeks waiver to permit the Clarksburg, Maryland earth station KA258 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 KA258 to provide IOT services to the Intelsat 25 satellite using the 11450–11700 MHz frequencies.

Grant of this STA request will serve the public interest. Grant will allow Intelsat to begin in-orbit testing additional portions of the Ku-band payload of the Intelsat 25 satellite soon after its March 15, 2010 arrival at its proposed

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).

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.

permanent operating location of 31.5° W.L.⁹ 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. 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

Moreover, grant of this waiver will not cause harmful interference. As with any STA, Intelsat will conduct IOT services in the 13750-14000 MHz and 11450-11700 MHz bands on a non-harmful interference basis. Attached as Exhibit A is a report demonstrating how Intelsat's proposed operations in 13750-14000 MHz will not cause interference into NASA TDRSS systems or U.S. Navy RADAR. 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.

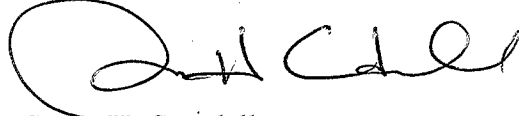
⁹ The FCC granted STA for in-orbit testing of the Intelsat 25 satellite's C-band payload effective March 15, 2010. *Request for Special Temporary Authority for Intelsat 25, Call Sign: S2804*, File No. SAT-STA-20100312-00045 (stamp grant, Mar. 15, 2010). The FCC granted STA for in-orbit testing in the 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).

¹⁰ Intelsat 25 Application, Engineering Statement at 1.

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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 written in a cursive style with a large, looping initial "S".

Susan H. Crandall
Assistant General Counsel
Intelsat Corporation

cc: Kathryn Medley
Stephen Duall