

E040125 SES-STA-20110706-00786 IB2011003331
IntelSat License LLC

Approved by OMB
3060-0678

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 Using Riverside, California Earth Station E040125

1. Applicant

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

"with conditions"



File# SES-STA-20110706-00786
Call Sign E040135 Grant Date 07/13/2011
(or other identifier)
From LAUNCH Term Dates
Approved: Paul E. Miller To: +30 days

Special Temporary Authority Conditions
Intelsat License LLC
E040125
SES-STA-20110706-00786

Intelsat License LLC, ("Intelsat") is granted special temporary authority (STA) to operate E040125 for 30 days, from July 15, 2011 through August 14, 2011, to use its Riverside, California C-band earth station to provide launch and early orbit phase ("LEOP") services for the SES-3 satellite that is expected to be launched on July 15, 2011. The LEOP period is expected to last approximately 10 days. The SES-3 LEOP operations will be performed on the following frequencies: 6423.5 MHz (uplink) and 3700.5 MHz and 4199.5 MHz (downlink). This authorization is granted for TT&C launch support to 77.25 W.L. and operations at that orbital location subject to the following conditions:

- (a) TT&C operations must comply with the Commission's rules Section 25.202(g), 47 C.F.R. §25.202(g).
- (b) TT&C functions must comply with the power limitations specified under the station's current authorization SES-MOD-20081208-01551.
- (c) Intelsat must coordinate drift operations to 77.25 W.L. with all potentially affected operating satellite networks.
- (d) No harmful interference can be caused to any lawfully operating satellite network or radio communication system and Intelsat operations must cease immediately upon notification of harmful interference. Further, Intelsat shall notify the Commission in writing that it has received such a notification within 14 days of receipt.
- (f) Intelsat must accept interference from any lawfully operating satellite network or radio communication system.
- (h) Communications with the SES-3 space station is limited to TT&C and shall not include any provision of commercial services.
- (i) The authorization is subject to change in any of its terms or cancellation in its entirety at any time upon reasonable notice, but without hearing, if in the opinion of the Commission, Circumstances require.
- (g) The 24/7 point of contact for SES-3 LEOP shall be maintained as follows:
Ph.: (202) 944-7701 - East Coast Operations Center (primary)
(310) 525-5900 - West Coast Operations Center (back-up)
Request to speak with Harry Burnham or Mike Munion.

"With conditions"



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From LAUNCH To: +30 days
Approved: Paul E. Alder

Exhibit A

PETITION FOR WAIVER OF SECTIONS 25.137 AND 25.114

Pursuant to Section 25.137 of the Federal Communications Commission's ("Commission" or "FCC") rules, earth station applicants "requesting authority to operate with a non-U.S. licensed space station *to serve the United States*" must demonstrate that effective competitive opportunities exist and must provide the same technical information required by Section 25.114 for U.S.-licensed space stations.¹ Intelsat License LLC ("Intelsat") herein seeks authority to provide launch and early orbit phase ("LEOP") services -- not commercial services -- to the United States, and thus believes that Section 25.137 does not apply.

To the extent the Commission determines, however, that Intelsat's request for authority to provide LEOP services on a special temporary basis is a request to serve the United States with a non U.S.-licensed satellite, Intelsat respectfully requests a waiver of Sections 25.137 and 25.114 of the Commission's rules.² The Commission may grant a waiver for good cause shown.³ The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.⁴ 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.⁵ Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

In this case, good cause exists for a waiver of both Section 25.137 and Section 25.114. With respect to Section 25.114, Intelsat seeks authority only to provide LEOP services for the SES-3 satellite. The information sought by Section 25.114 is not relevant to LEOP services. Moreover, Intelsat does not have -- and would not easily be able to obtain -- such information because Intelsat is not the operator of the SES-3 satellite, nor is Intelsat in contractual privity with that operator. Rather, an affiliate of Intelsat has a contract with Orbital Sciences Corp., the manufacturer of the SES-3 satellite, to conduct LEOP services for the satellite.

The information that Intelsat is not including is not required to determine potential harmful interference. The Schedule S information for this satellite would pertain to the operation of the SES-3 satellite at its final orbital location. However, the present

¹ 47 C.F.R. § 25.137 (emphasis added).

² 47 C.F.R. §§ 25.137 and 25.114.

³ 47 C.F.R. §1.3.

⁴ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

application for LEOP services involves communications *prior* to the satellite attaining its final location in the geostationary orbit. In other words, during the LEOP mission, the earth station will not be communicating with a satellite located in the geostationary orbit. Rather, it will be transmitting to a satellite traveling on its “transfer orbit” or “LEOP path”, which starts immediately following its separation from a launch vehicle, and ends when the satellite reaches its geostationary orbital location. Moreover, as with any STA, Intelsat will perform the LEOP services on a non-interference basis.

Because it is not relevant to the service for which Intelsat seeks authorization, and because obtaining the information would be a hardship, Intelsat seeks a waiver of all the information required by Section 25.114. Intelsat has provided in this STA request the required technical information that is relevant to the LEOP services for which Intelsat seeks authorization.

Good cause also exists to waive Section 25.137. Section 25.137 is designed to ensure that “U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services” in other countries. Here, there is no service being provided by the satellite; it is simply being placed in its orbital location after separating from the launch vehicle. Thus, the purpose of the information required by Section 25.137 is not implicated here. For example, Section 25.137(d) requires earth station applicants requesting authority to operate with a non-U.S.-licensed space station that is not in orbit and operating to post a bond.⁶ The underlying purpose in having to post a bond—*i.e.*, to prevent warehousing of orbital locations by operators seeking to serve the United States—would not be served by requiring Intelsat to post a bond in order to provide approximately ten days of LEOP services to the SES-3 satellite.

It is Intelsat’s understanding that SES-3 is licensed by the Netherlands, which is a WTO-member country. Moreover, the Commission has granted SES Americom, Inc. a similar waiver for an earth station located in the United States to communicate with this satellite for TT&C and IOT purposes.⁷ Thus, the purposes of Section 25.137—to ensure that U.S. satellite operators enjoy “effective competitive opportunities” to serve foreign markets and to prevent warehousing of orbital locations serving the United States—will not be undermined by grant of this waiver request.

Finally, Intelsat notes that it expects to operate with the SES-3 satellite using its U.S. earth station for a period of approximately ten days. Requiring Intelsat to obtain copious technical and legal information from an unrelated party, where there is no risk of harmful interference and the operations will cease after approximately ten days, would pose undue hardship without serving underlying policy objectives. Given these particular facts, the waiver sought herein is plainly appropriate.

⁶ See 47 C.F.R. §25.137(d)(4).

⁷ See *Satellite Communications Services Information; Actions Taken*, Report No. SES-01306, File No. SES-STA-20101006-01259 (Dec. 22, 2010) (Public Notice).

July 6, 2011

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



Re: Request for Special Temporary Authority
Riverside, California Earth Station E040125

Dear Ms. Dortch:

Intelsat License LLC ("Intelsat") herein requests a grant of Special Temporary Authority ("STA")¹ for 30 days, from July 15, 2011 through August 14, 2011, to use its Riverside, California C-band earth station -- call sign E040125 -- to provide launch and early orbit phase ("LEOP") services for the SES-3 satellite that is expected to be launched on July 15, 2011.² The LEOP period is expected to last approximately 10 days.³

The SES-3 LEOP operations will be performed in the following frequency bands: 6423.5 MHz (uplink) and 3700.5 MHz and 4199.5 MHz (downlink). The LEOP operations will be coordinated with all operators of satellites that use the same frequency bands and are in the LEOP path. All operators of satellites in that path will be provided with an emergency phone number where the licensee can be reached in the event that harmful interference occurs.

The 24x7 contact information for the SES-3 LEOP mission is as follows:

Ph.: (202) 944-7701 – East Coast Operations Center (primary)
(310) 525-5900 – West Coast Operations Center (back-up)
Request to speak with Harry Burnham or Mike Munion.

In further support of this request, Intelsat is attaching Exhibit A, which contains a waiver request. The proposed LEOP operations will be performed in conformance with the antenna's licensed parameters. As such, the proposed

¹ Intelsat has filed its STA request, an FCC Form 159, a \$180.00 filing fee and this supporting letter electronically via the International Bureau's Filing System ("IBFS").

² The permanent orbital location for SES-3 is 103° W.L. The satellite will undergo in-orbit testing at 77.25° W.L.

³ Intelsat is seeking authority through August 14, 2011 to accommodate a possible launch delay.

Ms. Marlene H. Dortch
July 6, 2011
Page 2

LEOP operations are not expected to cause harmful interference into lawfully operating Fixed Service facilities. In the extremely unlikely event that harmful interference should occur due to transmissions to or from its earth station, Intelsat will take all reasonable steps to eliminate the interference.

Grant of this STA request will allow Intelsat to help launch the SES-3 satellite to the 103° W.L. location. This, in turn, will promote the public interest by ensuring continuity of service from that location.

Please direct any questions regarding this STA request to the undersigned at (202) 944-7848.

Respectfully submitted,

/s/ Susan H. Crandall

Susan H. Crandall
Assistant General Counsel
Intelsat Corporation

cc: Paul Blais

2. Contact

Name: Susan H Crandall **Phone Number:** 202-944-7848
Company: **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: **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?

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/Nuevo

8. Latitude
(dd mm ss.s h) 33 47 43.6 N

| | |
|---|---|
| 9. State CA | 10. Longitude (dd mm ss.s h) 117 5 20.4 W |
| 11. Please supply any need attachments. Attachment 1: STA Request Attachment 2: Exhibit A 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.) IntelSat License LLC (f/k/a IntelSat North America LLC) herein requests a grant of Special Temporary Authority for 30 days, from July 15, 2011 through August 14, 2011 to use its Riverside, California C-band earth station, call sign E040125, to provide launch and early orbit phase services for the SES-3 satellite that is expected to be launched on July 15, | |
| 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 Assistant Gen. Counsel, IntelSat Corporation |
| 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). | |

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12. Description

Intelsat License LLC (f/k/a Intelsat North America LLC) herein requests a grant of Special Temporary Authority for 30 days, from July 15, 2011 through August 14, 2011 to use its Riverside, California C-band earth station, call sign E040125, to provide launch and early orbit phase services for the SES-3 satellite that is expected to be launched on July 15, 2011.