Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Intelsat North America, LLC	)	
	)	
Application to Modify the INTELSAT 602 Authorization to Relocate INTELSAT 602 from the 50.5º E.L. Orbital Location to the 150.5º E.L. Orbital Location	)	File No. SAT-MOD-20050512-00098 SAT-STA-20050527-00111
	)	Call Sign: S2389
Request for Special Temporary Authority for INTELSAT 602 to stop drift at the 150.5º E.L. Orbital Location	)	

ORDER

Adopted: June 29, 2005 **Released:** June 30, 2005

By the Deputy Chief, Satellite Division, International Bureau:

I. Introduction

1. By this Order, we grant the request of Intelsat North America[1] ("Intelsat"),[2] to operate the INTELSAT 602 satellite (Call Sign S2389) in the C-band (3625-4198 MHz and 5927-6423 MHz) and Ku-band (10.952-11.200, 11.450-11.688, and 14.252-14.488 GHz) frequencies at the 150.5º E.L. orbital location on a non-harmful interference basis until May 30, 2007. Grant of this application as conditioned below will permit Intelsat to make maximum use of existing orbital resources and satisfy customer requirements.

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[1] We note that the satellite license (S2389) and corresponding earth station licenses for the INTELSAT 602 were assigned from Intelsat LLC to Intelsat North America LLC on June 2, 2005, pursuant to Commission approval of a *pro forma* assignment of certain satellite licenses, including S2389. *See* Letter from Jennifer Hindin, Counsel for Intelsat Re: Notification of Applicant Change Intelsat LLC to Intelsat North America LLC, Various Pending Application, dated June 2, 2005. *See also* Policy Branch Information, Satellite Space Applications Actions Taken, *Public Notice,* Report No. SAT-00294 (rel. May 27, 2005) (granting File No. SAT-ASG-20050418-00085, which included S2389).

[2] *See* Intelsat LLC's Application to Modify Authorization for INTELSAT 602 (File No. SAT-MOD-20050512-00098) (filed May 12, 2005) ("Intelsat 602 Modification Application"). *See also* Application of Intelsat LLC for Authority to Operate, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit, *Memorandum Opinion Order and Authorization*, 15 FCC Rcd 15460 (2000), *recon. denied,* 15 FCC Rcd 25234 (2000), *further proceedings,* 16 FCC Rcd 12280 (2001) (*Intelsat Licensing Orders)* (granting Intelsat, among other things, the authority to operate a number of in-orbit C-band and Ku-band satellites, including INTELSAT 602, then-owned and operated by the International Telecommunications Satellite Organization).

II. Background

2. On May 12, 2005, Intelsat filed an application to operate its INTELSAT 602 satellite at the 150.5º E.L. orbital location in the C-band and Ku-band. This modification request represented a change in business plans for Intelsat as it had previously requested and been granted authority to move the satellite from the 50.5° E.L. to 157.0° E.L. orbital location.[3] On May 27, 2005, Intelsat filed a request[4] to stop the drift of the INTELSAT 602 satellite and hold the satellite at the 150.5º E.L. orbital location while the modification application was pending before the Commission.

3. The Administration of Indonesia currently has C- and Ku-band International Telecommunications Union (ITU) filings at the 150.5° E.L. orbital location.[5] Intelsat states that PT Indosat (Indosat), a private company, has the concession from the Administration of Indonesia to operate at the 150.5° E.L. orbital location.[6] Intelsat has entered into a private agreement with Indosat to operate the INTELSAT 602 satellite at the 150.5 E.L. orbital locations.[7] On February 8, 2005, Intelsat submitted a copy of its agreement with Indosat, subject to a request for confidential treatment.[8]

4. The application was placed on Public Notice on May 27, 2005.[9] No comments were filed.

III. Discussion

5. We find that the public interest will be served by permitting Intelsat to operate the INTELSAT 602 satellite at the 150.5° E.L. orbital location, subject to conditions.[10] Intelsat maintains in its application that it will retain full control of the satellite at all times and will

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[3] *See* IBFS File No. SAT-MOD-20050819-00160; *Policy Branch Information,* Satellite Space Applications Actions Taken*, Public Notice,* Report No. SAT-00253, DA No. 04-3481 (rel. October 29, 2004).

[4] IBFS File No. SAT-STA-20050527-00111.

[5] According to Intelsat, the ITU filings of Indonesia for the Palapa-C4 satellite networks specifically include the 3625-4298 and 5927-6423 MHz frequency bands (C-band) and the 10952-11200, 11450-11688, and 14252-14488 MHz frequency bands (Ku-band). *See* Intelsat 602 Modification Application at p. 2. We also note here that the 150.5° E.L. orbital location is not one of Intelsat's original licensed locations referenced in the *Intelsat LLC Orders*.

[6] *See* Intelsat 602 Modification Application at p. 2.

[7] *Id* at Exhibit B. (Intelsat provides a copy of a May 9, 2005 letter from Indosat, stating that the Indonesian Administration has authorized Indosat to arrange for the operation of a non-Indosat satellite at the 150.5° E.L. location. The letter further states that the Indonesian Administration has not licensed INTELSAT 602's operations at 150.5 E.L., and that such operations is governed by the authorization provided by the FCC.)

[8] *Id.*

[9] *See* Policy Branch Information, Satellite Space Applications Accepted for Filing, *Public Notice*, Report No. SAT-00293 (rel. May 27, 2005. No comments were filed on the application.

[10] Similar requests were previously found to be in the public interest. *See* PanAmSat Corporation, Application for Modification of License for the PAS 9 Satellite, *Order and Authorization,* 19 FCC Rcd 16642 (Satellite Div, Int'l Bur. 2004.); and PanAmSat Corporation, Request for Special Temporary Authority to Operate a Space Station at 60° W.L., *Order and Authorization*, 15 FCC Rcd 21802 (Int'l Bur. 1999.)

operate the INTELSAT 602 satellite on a non-harmful interference basis.[11] Additionally, Intelsat states that it will operate the satellite using technical parameters consistent with coordination agreements the Administration of Indonesia reached with other Administrations responsible for adjacent satellite networks. In the event of unforeseen harmful interference to adjacent networks, Intelsat states that it will take immediate action to eliminate the source of such interference.[12] Based upon this record, as explained further below, we do not believe that Intelsat's operations at this location will cause harmful interference to adjacent satellites.

6. In its application, Intelsat provides an interference analysis reflecting three operational satellites within +/- 3 degrees of the 150.5° E.L. orbital location.[13] These satellites included MEASAT-2, a C/Ku band satellite located at the 148° E.L. orbital location, Optus-B3, a L/Ku-band satellite located at the 152° E.L. orbital location, and JCSAT-1B,[14] a Ku-band satellite located at the 150° E.L. orbital location. With respect to MEASAT-2[15] and Optus-B3,[16] Intelsat acknowledges that the INTELSAT 602 satellite will have frequency overlap with both these satellites. According to Intelsat, however, the Indonesian Administration has reached coordination agreements with the Malaysian and Australian Administrations that are consistent with the INTELSAT 602 satellite's proposed operations, as permitted by Indonesia's PALAPA-C4 ITU filings. Intelsat states that it will operate the INTELSAT 602 satellite within the coordination constraints agreed to by the Indonesian Administration. Intelsat provides these specific coordination parameters in its interference analysis.[17]

7. With regard to JCSAT-1B, Intelsat acknowledges that the INTELSAT 602 satellite's uplink frequencies in the 14.25-14.5 GHz band, as published in the PALAPA-C4 ITU filings, overlap with the JCSAT-1B satellite.[18] According to Intelsat, the Indonesian Administration has not completed coordination with the Japanese Administration for these frequencies.[19] In its interference analysis, however, Intelsat proposes specific limits for its INTELSAT 602's Ku-band transmissions in order to protect operations of the JCSAT-1B.[20] Additionally, Intelsat maintains that, in the event that Japan decides to replace its current satellite at 150° E.L. with another satellite with different operational characteristics consistent with Japan's ITU filings while the INTELSAT 602 satellite is still in operation at 150.5° E.L, Intelsat will adopt alternative limits for its Ku-band transmissions at 150.5° E.L., prior to the bringing

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11 *See* Intelsat 602 Modification Application at p. 2.

12 *Id.*

13 *Id* at Appendix A.

14 We note that access has been previously granted to the JCSAT 1B. In 2002, the Commission licensed Hawaii Pacific Teleport, L.P. to operate an earth station whose points of communication include JCSAT-1B. *See* IBFS File No. SES-LIC-20010904-01637.

15 *Id* at Appendix A, p. 5. We note that MEASAT2 is currently on the Permitted List. *See* Binariang Satellite Systems SDN BHD (BSS), DA 03-2688, *Order*, 18 FCC Rcd. 16,623 (Int'l Bur., released Aug. 19, 2003).

16 *Id* at Appendix A, p. 9.

17 *Id* at Appendix A, pp. 5-7 (for MEASAT2) and pp. 9-12 (for Optus-B3).

18 *Id* at Appendix A, p. 7.

19 *Id.*

20 *Id* at Appendix A, pp. 7-9

into use of the replacement Japanese satellite. [21]

8. We have reviewed the interference analysis Intelsat provides and conclude that it demonstrates that the proposed operation of the INTELSAT 602 satellite at 150.5° E.L. as described above are consistent with authorization on a non-harmful interference basis, *i.e.,* Intelsat may neither cause harmful interference to nor claim interference protection from other lawfully operating stations. Further, if a new satellite were to be launched into an adjacent location in the future, the operation of the INTELSAT 602 satellite at this location would also be on a non-harmful interference basis relative to any new lawfully operating in-orbit satellite.

9. Intelsat also requests that Part 25 waivers originally granted for the INTELSAT 602 satellite in the *2001 Intelsat Licensing Order* continue to apply at the 150.5° E.L. location. These waivers include the following rule provisions: Sections 25.202(g) (TT&C at band edges), 25.210(a)(1) (orthogonal linear polarization), 25.210(a)(3) (switching polarization sense upon ground command), 25.210(c) (capability to change transponder saturation), 25.210(i) (cross polarization isolation), and 25.211(a) (downlink analog video transmission in the center frequency).[22] We grant these waivers for the reasons originally articulated in the Commission's *Intelsat Licensing Orders.*[23] In contrast to the *Intelsat Licensing Orders*, however, Intelsat's operation of the INTELSAT 602 satellite at the 150.5° E.L. orbital location is on a non-harmful interference basis.

10. We note that the INTELSAT 602 satellite will operate at a location at which the United States has not, at this time, submitted any relevant ITU filings. As discussed above, this authorization is issued on a non-harmful interference basis.[24] The United States, as the notifying administration for the operations of the INTELSAT 602 satellite at the 150.5 E.L. orbital location will submit a filing pursuant to Article 8 of the ITU Radio Regulations to the ITU. This authorization is issued on the understanding that, pursuant to Intelsat's agreement with Indosat, operations of the INTELSAT 602 satellite will be consistent with parameters agreed to in coordination agreements between the Administration of Indonesia and other Administrations. We consider the responsibility for both compliance, and enforcing compliance, with those agreements to be a matter which would arise under private law. Intelsat shall maintain full control over the operation of the INTELSAT 602 satellite and the United States remains the licensing administration of the INTELSAT 602 satellite for purposes of ITU Radio Regulation 18.1.[25] Nothing in Intelsat's agreement with Indosat or in any license granted to Indosat shall be

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[21] *Id* at Appendix A, p. 9.

[22] *See* Intelsat 602 Modification Application, at Appendix A, p. 3. *See also* 47 C.F.R. §§ 25.202(g), 25.210(a)(1), 25.210(a)(3), 25.210(c), 25.210(i), and 25.211(a).

[23] *See Intelsat Licensing Orders* 15 FCC Rcd at 15493-15504 (paras. 78-115.)

[24] *See* ITU Radio Regulations, Article 4.4.

[25] ITU Radio Regulation 18.1 states that "[n]o transmitting station may be established or operated by a private person or by any enterprise without a license issued in an appropriate form and in conformity with the provisions of these Regulations by or on behalf of the government of the country to which the station in question is subject …." *See* letter, dated June 1, 2005 from Mr. Ng Eng Ho, Deputy President Director, Indonesian Satellite Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission ("This is to confirm, that Indonesia being the notifying administration for Indosat, has licensed Indosat to operate its systems' satellites at 150.5° E.L. Indonesia, has not, however, licensed Intelsat's operations of INTELSAT 602 at 150.5° E.L., which we recognize is governed by the authorization provided by the U.S. Federal Communications Commission."). This letter was is part of the record for this application.

construed as incorporating the INTELSAT 602 satellite into the Indosat satellite system, or subjecting the INTELSAT 602 satellite to the licensing authority of any administration other than the United States. Further, with respect to its filings with the ITU for the 150.5° E.L. orbital location, the Administration of Indonesia is not acting pursuant to Article 9 of the Radio Regulations on behalf of the United States Administration.[26] The issuance of this authorization should not be construed, in any way, as indicating a view as to the status of any ITU filings by other Administrations at the 150.5º E.L. orbital location, or adjacent locations, or of any coordination agreements concerning those locations.

IV. Ordering Clauses

11. Accordingly, IT IS ORDERED that Intelsat North America's request, File No. SAT-MOD-20050512-00098, to operate the INTELSAT 602 satellite (Call Sign S2389) at the 150.5º E.L. orbital location IS GRANTED and Intelsat North America's license to operate the INTELSAT 602 satellite IS MODIFIED to specify operations at the 150.5 E.L. orbital location until May 30, 2007. Therefore, Intelsat is authorized to operate the C-band frequencies (3625-4198 MHz and 5927-6423 MHz) and Ku-band frequencies (10.952-11,200, 11,450-11,688, and 14.252-14,488 MHz) aboard the INTELSAT 602 satellite, on a non-harmful interference basis at the 150.5º E.L. orbital location, in accordance with the terms, conditions, and technical specifications set forth in its application, this *Order,* and the Federal Communications Commission's Rules.

12. IT IS FURTHER ORDERED that Intelsat's operations shall be on a non-harmful interference basis, *i.e*., Intelsat shall not cause harmful interference to, and shall not claim protection from interference caused to it by, any other lawfully operating satellites.

13. IT IS FURTHER ORDERED that in the event of any harmful interference as a result of Intelsat's operations at the 150.5° E.L. orbital location, Intelsat shall cease operations immediately upon notification of such interference and shall inform the FCC, in writing, immediately of such an event.

14. IT IS FURTHER ORDERED that Intelsat shall inform its customers that operations at the 150.5° E.L. orbital location are on a non-harmful interference basis and that Intelsat must cease operations upon notification of such interference.

15. IT IS FURTHER ORDERED that Intelsat shall maintain full operational control of the INTELSAT 602 satellite at all times.

16. IT IS FURTHER ORDERED that this authorization is issued on the express understanding that, to the extent Intelsat, pursuant to its agreement with Indosat, a private company, will conform its operations to the parameters agreed to in coordination agreements between the Administration of Indonesia and other Administrations responsibility for both compliance with and enforcing compliance with those agreements is a matter which would arise under private law.

[26] Article 9 of the ITU Radio Regulations outlines the procedures for effecting coordination of satellite networks, and permits one administration to act on behalf of a group of named administrations. *See* ITU Radio Regulations 9.1, 9.6.

17. IT IS FURTHER ORDERED that this authorization is issued with the understanding that this grant is not an approval of any specific agreement entered into by Intelsat, its subsidiaries, and affiliates, nor of any specific provision of any such agreement, concerning operation of the INTELSAT 602 satellite, nor is it an approval of an agreement concerning any related matter, nor of any specific provision of any such agreement concerning any related matter.

18. IT IS FURTHER ORDERED that in connection with the provision of service in any particular country, Intelsat is obliged to comply with the applicable laws, regulations, rules, and licensing procedures of that country.

19. IT IS FURTHER ORDERED that this authorization is issued with the understanding that the United States remains the licensing administration of the INTELSAT 602 satellite for purposes of ITU Radio Regulation 18.1 and that its operations are pursuant to ITU Radio Regulation 4.4.

20. IT IS FURTHER ORDERED that this authorization is issued with the understanding that with respect to its filings with the ITU for the 150.5° E.L. orbital location, the Administration of Indonesia is not acting pursuant to Article 9 of the Radio Regulations on behalf of the United States Administration.

21. IT IS FURTHER ORDERED that this authorization is issued with the understanding that this grant does not in any way express a view concerning, or agreement as to, the validity or lack of validity of any ITU filing at or within the vicinity of the 150.5º E.L. orbital location.

22. IT IS FURTHER ORDERED that Intelsat shall prepare and submit to the Federal Communications Commission, within fifteen days following release of this Order, materials for submission to the ITU, pursuant to Article 8.4 of the Radio Regulations, in connection with the operations of the INTELSAT 602 spacecraft at the 150.5° E.L. orbital location.

23. IT IS FURTHER ORDERED that grant of this modification request does not convey to Intelsat any authority to operate a replacement satellite at the 150.5° E.L. orbital location or any priority in the United States satellite licensing process relative to applications for authority to operate a regularly authorized satellite at this orbital position.

24. IT IS FURTHER ORDERED that Intelsat is afforded thirty days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

25. IT IS FURTHER ORDERED that Intelsat's request, IBFS File No. SAT-STA-20050527-00111, to stop drifting the INTELSAT 602 satellite IS GRANTED, in part, to the extent necessary to stop the drift to the 157.0° E.L. orbital location and commence the drift of the INTELSAT 602 satellite to 150.5º E.L. orbital location and is otherwise DISMISSED as moot.

26. IT IS FURTHER ORDERED that this action is used pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

FEDERAL COMMUNICATIONS COMMISSION

Cassandra C. Thomas
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