



PUBLIC NOTICE

Federal Communications Commission
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DA 20-1478

Released: December 14, 2020

REQUEST BY INTELSAT LICENSE LLC, AS DEBTOR IN POSSESSION, FOR MODIFICATION OF LICENSE CONDITIONS RELATING TO THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE ORGANIZATION

IB Docket No. 20-417
IBFS File No. SAT-MSC-20201118-00139

Comments Due: January 13, 2021
Responses Due: January 25, 2021
Replies Due: February 1, 2021

On November 18, 2020, Intelsat License LLC, as debtor-in-possession (Intelsat), filed a request (Request) asking that the Commission, pursuant to section 316 of the Communications Act, as amended (the Act),¹ modify conditions applicable to certain space station licenses held by Intelsat.² Specifically, Intelsat seeks modification of license conditions related to the July 18, 2001 Public Services Agreement between the International Telecommunications Satellite Organization (ITSO) and Intelsat (Public Services Agreement),³ in anticipation of the possible termination of the Agreement Relating to the International Telecommunications Satellite Organization (ITSO Agreement)⁴ in 2021.⁵

¹ 47 U.S.C. § 316.

² *Request for Commission Action to Update the ITSO Conditions*, IB Docket No. 20-417, IBFS File No. SAT-MSC-2020118-00139 (Intelsat Request).

³ *See, e.g.*, IBFS File No. SAT-MOD-20180103-00002.

⁴ *See generally* Agreement Relating to the International Telecommunications Satellite Organization, amendment opened for signature Nov. 17, 2000, 23 UST 3813, 1220 UNTS 21 (ITSO Agreement).

⁵ ITSO is the intergovernmental organization created in 2001, when the parties to the INTELSAT agreement—which had created an intergovernmental organization in 1973 to operate a global commercial telecommunications system—decided to privatize those activities. At that time, INTELSAT transferred its C- and Ku-band space stations to Intelsat LLC, a U.S. entity. *See generally Applications 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, FCC 00-287, 15 FCC Rcd 15460, 15517-20, paras. 149-173 (2000), *recon. denied*, 15 FCC Rcd 25234 (2000). As a result of later reorganizations and transfers of control, the licenses are now held by Intelsat License LLC, as debtor-in-possession. *See* Intelsat Request at 2 n.8; *see also* IBFS File No. SAT-ASG-20200522-00048.

In 2006, the ITSO petitioned the Commission⁶ to modify the license conditions applicable to Intelsat licenses that operate consistent with International Telecommunication Union satellite network filings, sometimes referred to as “the Common Heritage,” transferred from the intergovernmental organization to the United States as part of privatization. Following the recommendation of the U.S. Department of State, and in consultation with the National Telecommunications and Information Administration, the Commission’s International Bureau adopted two license conditions related to the Public Services Agreement:⁷

Intelsat shall remain a signatory to the Public Services Agreement between Intelsat and the International Telecommunications Satellite Organization (ITSO) that was approved by the ITSO Twenty-fifth Assembly of Parties, as amended;

No entity shall be considered a successor-in-interest to Intelsat under the ITSO Agreement for licensing purposes unless it has undertaken to perform the obligations of the Public Services Agreement approved by the Twenty-fifth Assembly of Parties, as amended.

As part of the Public Services Agreement, Intelsat had committed to fulfill its public service obligations by (i) maintaining global connectivity and coverage, (ii) providing non-discriminatory access to the Intelsat satellite system, and (iii) honoring favorable contracts with existing lifeline customers.⁸

In anticipation that the ITSO is expected to convene an Assembly of Parties by the end of June 2021, during which the Assembly of Parties is expected to consider a resolution to terminate the ITSO Agreement, which would result in the dissolution of ITSO, Intelsat requests that the Commission update the relevant space station authorization conditions, which currently refer to the ITSO and the Public Services Agreement.

Specifically, Intelsat proposes maintaining the two current conditions but adding an additional condition, so that the relevant license conditions would read as follows:⁹

Intelsat shall remain a signatory to the Public Services Agreement between Intelsat and the International Telecommunications Satellite Organization (ITSO) that was approved by the ITSO Twenty-fifth Assembly of Parties, as amended; and

No entity shall be considered a successor-in-interest to Intelsat under the ITSO Agreement for licensing purposes unless it has undertaken to perform the obligations of the Public Services Agreement approved by the Twenty-fifth Assembly of Parties, as amended.

Upon termination of the ITSO Agreement, the preceding two conditions will cease and be replaced with the condition that Intelsat shall provide global connectivity and coverage and non-discriminatory access to the Intelsat system.

We will treat Intelsat’s request as an informal request for Commission action under section 1.41

⁶ See Petition of the International Telecommunications Satellite Organization (ITSO), IB Docket No. 06-137 (filed July 10, 2006) (Petition); *Petition of the International Telecommunications Satellite Organization Under Section 316 of the Act*, IB Docket No. 06-137 and File No. SAT-MS-20060710-00076, Public Notice, DA 06-1460, 21 FCC Rcd 7923 (Int’l Bur. 2006) (accepting the Petition as an informal pleading under 47 C.F.R. § 1.41 and seeking comment on the Petition).

⁷ See, e.g., IBFS File No. SAT-MOD-20180103-00002.

⁸ See Intelsat Request at 3. Intelsat notes that as to the last condition, in 2019 the last of the lifeline customer contracts expired. See Intelsat Request at 5.

⁹ See Intelsat Request at 5-6.

of the Commission's rules,¹⁰ and accept comments on the request. Following conclusion of the comment cycle, the Commission will decide whether to propose a modification to the Intelsat licenses consistent with section 316 of the Act and section 1.87 of the Commission's rules.¹¹ Should the Commission decide to do so, it will notify Intelsat in writing of the proposed action and reasons therefore, and afford Intelsat the opportunity to protest such proposed order of modification.¹²

Interested parties must file comments, reply comments, and responses on or before the dates indicated on the first page of this notice. All comments are to reference **IB Docket No. 20-417** and **IBFS File No. SAT-MS-20201118-00139**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>.
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 45 L Street, N.E., Washington, D.C. 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.
- *People with Disabilities*: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's

¹⁰ 47 CFR § 1.41.

¹¹ 47 U.S.C. § 316; 47 CFR § 1.87.

¹² 47 CFR § 1.87.

written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to the Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentation and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information contact Alan Thomas, Satellite Division, International Bureau, at (202) 418-2338, or Merissa Velez, Satellite Division, International Bureau, at (202) 418-0751.

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