Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Intelsat License LLC	))))
Annual Satellite Status Report	)))))

REQUEST FOR CONFIDENTIAL TREATMENT

Intelsat License LLC ("Intelsat") respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission's rules, the Commission withhold from public inspection and accord confidential treatment to portions of the enclosed Annual Satellite Status Report ("Report").[1] Specifically, Intelsat requests confidential treatment of Part 2 of the Report, which contains unscheduled transponder outage information, Part 3, which contains transponder utilization tables for all in-orbit satellites, and Part 4, which contains information on transponders not available for service or transponders not performing within specifications. Parts 2, 3 and 4 of the Report contain commercially sensitive information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").[2]

Exemption 4 permits parties to withhold from public information "trade secrets and commercial or financial information obtained from a person and privileged or confidential."[3] Applying Exemption 4, the courts have stated that commercial or financial information is

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[1]   47 C.F.R. §§ 0.457, 0.459.

[2]   *See* 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

[3]   5 U.S.C. § 552(b)(4).

confidential if its disclosure will have either of the following effects: (1) impairs the government's ability to obtain necessary information in the future; or (2) causes substantial harm to the competitive position of the person from whom the information was obtained.[4] Fixed satellite service space station operators routinely request confidential treatment of transponder outage and utilization information contained in their Reports and the Commission has withheld such information from public inspection.[5]

Section 0.457(d)(2) of the Commission's rules allows persons submitting materials that they wish withheld from public inspection in accordance with Section 552(b)(4) to file a request for non-disclosure.[6] The requirements governing such requests are set forth in Section 0.459(b). In accordance with the specifications delineated in that rule, Intelsat hereby submits the following:

1.   Identification of Specific Information for Which Confidential Treatment is Sought (Section 0.459(b)(1))

Intelsat seeks confidential treatment of the information contained in Parts 2, 3 and 4 of its Report. Part 2 of the Report contains information about any unscheduled transponder outages lasting 30 minutes or more. Part 3 of the Report contains transponder utilization information for all of Intelsat's in-orbit satellites. Part 4 of the Report contains information on transponders not available for service or not operating within parameters. These parts contain commercially sensitive information that falls within Exemption 4 of FOIA.

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[4]   *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974) (footnote omitted); *see also Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879-80 (D.C. Cir. 1992), *cert. denied*, 507 U.S. 984 (1993).

[5]   *See, e.g., Loral Space & Communications Ltd. Annual Status Report* (filed June 30, 2000); *PanAmSat Corporation Annual Status Report* (filed July 2, 2001).

[6]   47 C.F.R. § 0.457(d)(2).

2.   Description of Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

Intelsat is filing the instant Report pursuant to Section 25.210(l)[7], which requires all fixed

satellite service space station operators to file on June 30 of each year a report with the

International Bureau containing: (1) the status of satellite construction and anticipated launch

dates; (2) a listing of any non-scheduled transponder outages lasting 30 minutes or more; (3) a

detailed description of transponder utilization of each in-orbit satellite; and (4) identification of

any transponders not available for service or otherwise not performing to specifications.

3.   Explanation of the Degree to Which the Information is Commercial or Financial, or Contains a Trade Secret or is Privileged (Section 0.459(b)(3))

Parts 2, 3 and 4 of the Report contain sensitive commercial information that competitors

could use to Intelsat's disadvantage. The courts have given the terms "commercial" and

"financial," as used in Section 552(b)(4), their ordinary meanings.[8] The Commission has

broadly defined commercial information, stating that "'[c]ommercial' is broader than

information regarding basic commercial operations, such as sales and profits; it includes

information about work performed for the purpose of conducting a business's commercial

operations."[9] The transponder utilization table contains detailed information about leased

transponder capacity and the amount of transponder capacity available for sale aboard each

satellite. This is sales information, clearly within the definition of "commercial." Competitors

could use this information, as well as information about any unscheduled transponder outages

and malfunctioning transponders, to enhance their market position at Intelsat's expense.

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[7]   47 C.F.R. § 25.210(l).

[8]   *See Bd. of Trade v. Commodity Futures Trading Comm'n*, 627 F.2d 392, 403 & n.78 (D.C. Cir. 1980)

[9]   *Southern Company Request for Waiver of Section 90.629 of the Commission's Rules*, 14 FCC Rcd 1851, 1860 (1998) (Memorandum Opinion and Order) (citing *Public Citizen Health Research group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).

Moreover, the transponder information meets both definitions of "confidential." First, a decision to not treat this information as confidential could affect the Commission's ability to obtain necessary information in the future. Although this information is required by Section 25.210(l), space station operators may be reluctant to provide such detailed transponder information if it is not accorded confidential treatment. Second, as explained in detail in Section 5, release of this transponder information could result in substantial competitive harm.

4. Explanation of the Degree to Which the Information Concerns a Service that is Subject to Competition (Section 0.459(b)(4))

Substantial competition exists in the telecommunications satellite industry. Other providers of geostationary satellite services include SES, Eutelsat, Telesat, and Hispasat, ViaSat, Arabsat, Asia Broadcast Satellite ("ABS"), and Yahsat among others. The presence of competitors makes imperative the confidential treatment of sensitive commercial information.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

As explained briefly in Section 3, release of the transponder utilization and transponder outage and malfunction reports could have a significant impact on Intelsat's commercial operations. If competitors or customers had access to this information, it could negatively affect Intelsat's future negotiations with potential and existing customers. Specifically, competitors and customers could use the transponder capacity and outage and malfunction information to negotiate more favorable leasing terms. In addition, competitors could use this information to develop market and business strategies to negatively affect Intelsat's future business plans.

6. **Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))**

Intelsat limits access to the transponder capacity and outage and malfunction information to necessary personnel only. Also, Intelsat takes every precaution to ensure that this information is not released to the general public.

7. **Identification of Whether the Information is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))**

Intelsat has not made the transponder utilization and outage and malfunction information available to the public and has not disclosed the information to any parties other than the FCC, except pursuant to a confidentiality agreement.

8. **Justification of Period During Which the Submitting Party Asserts that the Material Should Not be Available for Public Disclosure (Section 0.459(b)(8))**

Intelsat respectfully requests that the Commission withhold the transponder utilization and outage and malfunction information from public inspection indefinitely. Intelsat would not, in the normal course of business, provide this information to the public.

Respectfully submitted,

Intelsat License LLC

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Part 1

Satellites Under Construction

Intelsat 30

The Intelsat 30 spacecraft is a C/Ku -band satellite with 4 C- and 72 Ku-band transponders under construction by Space Systems/Loral in Palo Alto, California. The System Preliminary Design Review was held in January 2012 and the System Critical Design Review in October 2012. Bus and payload modules integration and testing have been completed in the 2nd quarter of 2013 with single line flow currently underway. The spacecraft is expected to complete construction in the 2nd quarter of 2014 with a launch currently scheduled for the 3rd quarter of 2014 on an Ariane 5 launch vehicle.

Intelsat 31

The Intelsat 31 spacecraft is a C/Ku-band satellite with 4 C- and 72 Ku-band transponders under construction by Space System/Loral in Palo Alto, California. The System Preliminary Design Review was held in January 2012 and the System Critical Design Review in October 2012. Bus and payload modules integration and testing are scheduled to complete in the 3rd quarter of 2013 with single line flow starting soon afterwards. The spacecraft is expected to complete construction in the 4th quarter of 2014 with a launch currently scheduled for the 3rd quarter of 2015 on a Proton launch vehicle.

Intelsat 29e

The Intelsat 29e is a C/Ku/Ka-band satellite with 12 C- and 46 Ku-band transponders, and one Ka-band transponder, under construction by Boeing Satellite Systems in El Segundo, California. The System Preliminary Design Review was held in April 2013 and the System Critical Design Review is scheduled to be held in November 2013. Bus and payload modules integration and test are scheduled for completion in the 2nd quarter of 2014 and single line flow starting soon afterwards. The spacecraft is expected to complete construction in August of 2015 with a launch currently scheduled for the 3rd quarter of 2015 on an Ariane 5 launch vehicle.

Intelsat 33e

The Intelsat 33e is a C/Ku/Ka-band satellite with 24 C- and 47 Ku-band transponders, and one Ka-band transponder, under construction by Boeing Satellite Systems in El Segundo, California. The System Preliminary Design Review is scheduled to be held in October 2013 and the System Critical Design Review in August 2014. Bus and payload modules integration and testing are planned for completion in the 2nd quarter of 2015, with single line flow starting soon afterwards.

The spacecraft is expected to complete construction in March 2016 with a launch currently scheduled for the 2nd quarter of 2016.

THE CONTENTS OF THE ORIGINAL DOCUMENTS IN ATTACHMENTS 2 THROUGH 4 ARE ENTIRELY BUSINESS PROPRIETARY/CONFIDENTIAL AND THE PAGES THEREIN HAVE BEEN REDACTED

Part 2

Non-Scheduled Transponder Outages

PUBLIC VERSION

BUSINESS PROPRIETARY
INFORMATION DELETED

PUBLIC VERSION

BUSINESS PROPRIETARY
INFORMATION DELETED

Part 4
Transponders Not Available for Service
or
Not Performing to Specification

PUBLIC VERSION

BUSINESS PROPRIETARY
INFORMATION DELETED