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June 30, 2015

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

Re: REQUEST FOR CONFIDENTIAL TREATMENT

Intelsat License LLC Annual Report

2015 Annual Report

Dear Ms. Dortch:

Intelsat License LLC ("Intelsat") respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission's rules,[1] the Commission withhold from public inspection and accord confidential treatment to Section (a) of Intelsat's Annual Report, which provides information on space stations not available for service or otherwise not performing to specifications. Section (a) of the Annual Report contains confidential and 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 confidential if its disclosure will either (1) impair the government's ability to obtain necessary information in the future; or (2) cause substantial harm to the competitive position of the person from whom the information was obtained.[4]

Section 0.457(d)(2) allows persons submitting materials that they wish to be withheld from public inspection in accordance with Section 552(b)(4) to file a

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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).

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).

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request for non-disclosure, pursuant to Section 0.459. In accordance with the requirements contained in Section 0.459(b) for such requests, 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 for Section (a) of its Annual Report, which provides information on space stations not available for service or otherwise not performing to specifications. Section (a) contains commercially sensitive information that falls within Exemption 4 of FOIA.

(2) *Description of Circumstances Giving Rise to Submission (Section 0.459(b)(2))*. Intelsat is filing this information pursuant to Section 25.170 of the Commission's rules, 47 C.F.R. § 25.170, which requires space station operators to file on June 30 of each year file a report with the International Bureau. Section (a) requires "[i]dentification of any space station(s) not available for service or otherwise not performing to specifications as of May 31 of the current year, any spectrum within the scope of the part 25 license or market access grant that the space station is unable to use, the cause(s) of these difficulties, and the date when the space station was taken out of service or the malfunction was identified."

(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))*. Section (a) of Intelsat's Annual Report contains sensitive commercial information that competitors could use to the disadvantage of Intelsat. The courts have given the term "commercial", as used in Section 552(b)(4), its ordinary meaning. *See Board of Trade v. Commodity Futures Trading Comm'n*, 627 F.2d 392, 403 & n.78 (D.C. Cir. 1980). 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." *Southern Company Request for Waiver of Section 90.629 of the Commission's Rules*, Memorandum Opinion and Order,14 FCC Rcd 1851, 1860 (1998) (*citing Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).

Section (a) of the Annual Report includes information on satellites not performing to specifications. Competitors could use this information to enhance their market position at Intelsat's expense. Moreover, this information meets both definitions of "confidential." First, a decision not to 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 25.170(a) of the Commission's rules, space station operators may be reluctant to provide such detailed information about outages and space stations not performing to specification if such information is not accorded confidential treatment. Second, disclosure of this information likely will cause substantial harm to the competitive position of Intelsat.

(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 players in the geostationary satellite services market include SES, Eutelsat, Telesat, and Hispasat, 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))*. Release of the information in Section (a) of Intelsat's Annual Report could have a significant impact on Intelsat's commercial operations. If competitors had access to the information for which Intelsat seeks confidential treatment, it could be used as the basis for negotiating 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. Thus, it is "virtually axiomatic" that the information qualifies for withholding under Exemption 4 of FOIA, *see National Parks and Conservation Ass'n v. Kleppe,* 547 F.2d 673, 684 (D.C. Cir., 1976), and under Sections 0.457(d) and 0.459(b) of the Commission's rules.

(6) *Identification of Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))*. None of this information is provided to the public. Intelsat does not provide this information to third parties except pursuant to agreements to maintain confidentiality.

(7) *Identification of Whether the Information is Available to the Public and the Extent of Any Previous Disclosure of Information to Third Parties (Section 0.459(b)(7))*. Intelsat has not made this information available to the public and has not disclosed the information to any third parties other than the FCC, except pursuant to arrangements intended to maintain confidentiality.

(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 information in Section (a) from public inspection indefinitely. Intelsat would not, in the normal course of business, provide this information to the public.

Please contact the undersigned with any questions. Thank you for your assistance.

Respectfully Submitted,

/s/ Jennifer D. Hindin

Jennifer D. Hindin
Counsel for Intelsat License LLC

THE CONTENTS OF THIS SECTION ARE ENTIRELY BUSINESS PROPRIETARY/CONFIDENTAL AND HAVE BEEN REDACTED

Intelsat License LLC Annual Satellite Report
Section 25.170(b) Response

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Intelsat License LLC Annual Satellite Report
Section 25.170(c) Response

Intelsat 31

The Intelsat 31 spacecraft is a C/Ku-band satellite 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. The spacecraft is currently at the last stage of the single line flow and construction is expected to be completed in the fourth quarter of 2015. The launch is currently scheduled for the first quarter of 2016 on a Proton launch vehicle.

Intelsat 29e

The Intelsat 29e is a C/Ku/Ka-band satellite 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 in November 2013. Bus and payload modules integration and test have been completed and single line flow started in the fourth quarter of 2014. The spacecraft's construction is expected to be completed in October 2015, with a launch currently scheduled for the first quarter of 2016 on an Ariane 5 launch vehicle.

Intelsat 34

The Intelsat 34 spacecraft is a C/Ku-band satellite under construction by Space Systems/Loral in Palo Alto, California. The System Preliminary Design Review was held in December 2013 and the System Critical Design Review in May 2014. Bus and payload modules integration and testing were completed in September 2014, with single line flow started shortly afterwards. The spacecraft is currently in the last stage of its construction and is expected to be delivered in July 2015. The launch is currently scheduled for August 2015 on an Ariane 5 launch vehicle.