



PUBLIC NOTICE

Federal Communications Commission
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DA 06-1460

Released: July 18, 2006

PETITION OF THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE ORGANIZATION UNDER SECTION 316 OF THE ACT

IB Docket No. 06-137
File No. SAT-MS-20060710-00076

Pleading Cycle Established

Comments Due: August 17, 2006
Responses Due: August 28, 2006
Replies Due: September 5, 2006

On July 10, 2006, the International Telecommunications Satellite Organization *filed* a petition that *asks* the Commission, pursuant to section 316 of the Communications Act, as amended ("Communications Act" or "Act"), to modify the space station licenses held by Intelsat for the use of certain orbital locations and associated radio frequency assignments.¹

Pursuant to international agreement, ITSO is the intergovernmental organization responsible for monitoring Intelsat's adherence to certain "core principles" in providing international public telecommunications services? The Petition states that ITSO is requesting

¹ Petition of the International Telecommunications Satellite Organization (ITSO), filed July 10, 2006 ("Petition"). See also 47 U.S.C. § 316 (modification of licenses by the Commission to promote the public interest, convenience, and necessity or fuller compliance with the Act or with any treaty ratified by the United States).

² See Agreement Relating to the International Telecommunications Satellite Organization, as Amended by the Twenty-Fifth (Extraordinary) Assembly of Parties in Washington, D.C. (Nov. 17, 2000) ("ITSO Agreement"), available at http://216.119.123.56/dyn4000/dyn/docs/ITSO/tpl1_itso.cfm?location=&id+5&link_src=HPL&lang=english. See also *Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC, and PEOP PAS, LLC, Transferors, and Intelsat Holdings, Ltd., Transferee, Consolidated Application for Authority to Transfer Control of PanAmSat Licensee Corp. and PanAmSat H-2 Licensee Corp.*, Memorandum Opinion and Order, FCC 06-85, IB Docket No. 05-290 (rel. June 19, 2006) ("*Intelsat-PanAmSat Order*") at ¶¶ 53-68. In the *Intelsat-PanAmSat Order*, the Commission deferred consideration of ITSO's earlier request for modification of the Intelsat licenses to a separate section 316 proceeding. See *id.* at ¶ 65 (stating that the Commission could consider, subject to section 316 procedures, an ITSO request to impose appropriate conditions on certain Intelsat satellites if advised by the U.S. Department of State that such action would promote the provisions of the ITSO Agreement and U.S. fulfillment of obligations under the ITSO Agreement).

the license modifications to assure that Intelsat and any successor or subsequent satellite operator using the orbital locations and associated frequency assignments adheres to the core principles established by the ITSO Agreement.⁴

We will treat the Petition as an informal request for Commission action under 47 C.F.R. § 1.41 and accept comments on the petition. Following conclusion of the comment cycle, the Commission will decide whether to propose a modification to the Intelsat licenses consistent with 47 U.S.C. § 316. Should the Commission decide to do so, it will notify Intelsat in writing of the proposed action and reasons therefor and afford Intelsat the opportunity to protest such proposed order of modification. See 47 U.S.C. § 316(a)(1) and 47 C.F.R. § 1.87(a) (requiring such notification).

Ex parte. Pursuant to section 1.1200(a) of the Commission's rules,⁴ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by the permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.⁵ We direct parties making oral *ex parte* presentations to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings and remind such parties that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed! More than a one- or two-sentence description of the views and arguments presented generally is required? Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁸ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions?

General Information. Interested parties must file comments no later than **August 17, 2006**. Responses must be filed no later than **August 28, 2006**. Replies must be filed no later than **September 5, 2006**. All filings concerning matters referenced in this Public Notice should refer to **DA No. 06-1460, IB Docket No. 06-137 and File No. SAT-MS-20060710-00076**.

³ We note that the Petition characterizes the Intelsat space station licenses as being held by Intelsat's subsidiary Intelsat, LLC. See Petition at 1. Intelsat, LLC no longer holds any space station licenses on behalf of Intelsat, because, in 2005, Intelsat sought and received authority to assign those licenses to its subsidiary Intelsat North America, LLC. See *Intelsat LLC*, File Nos. SAT-ASG-20050418-00084 and -00085, Public Notice, Policy Division Information, Report No. SAT-00294, 20 FCC Rcd 9959 (IB 2005); see also *Intelsat-PanAmSat* Order at ¶ 8 n.29 (showing subsequent *pro forma* changes in ownership of Intelsat North America, LLC as Intelsat's space station licensee).

⁴ 47 C.F.R. § 1.1200(a).

⁵ *Id.* § 1.1206.

⁶ See *Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings*, Public Notice, 15 FCC Rcd 19945 (2000).

⁷ See 47 C.F.R. § 1.1206(b)(2).

⁸ *Id.* § 1.1206(b).

⁹ See discussion *infra*

Under the Commission's procedures for the submission of filings and other documents, submissions in this matter may be filed electronically (i.e., though ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties also may submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to the Commission's duplicating contractor, Best Copy and Printing, Inc., at fcc@bcpiweb.com or (202) 488-5563 (facsimile).

¹⁰ See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); see also *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Comment Filings*, Notice, 16 FCC Rcd 22165 (2001); *Reminder: Filing Locations for Paper Filings*, Notice, 18 FCC Rcd 16705 (2003).

¹¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket 97-113, Report and Order 13, 13 FCC Rcd 11322 (1998).

Additionally, filers may deliver courtesy copies by email or facsimile to the following Commission staff:

- (1) James Ball, Chief, Policy Division, International Bureau, at james.ball@fcc.gov or (202) 418-2824 (facsimile);
- (2) Kathleen Collins, Policy Division, International Bureau, at kathleen.collins@fcc.gov or (202) 418-2824 (facsimile);
- (3) Andrea Kelly, Chief, Policy Branch, Satellite Division, International Bureau, at andrea.kelly@fcc.gov or (202) 418-0748 (facsimile);
- (4) Jabin Vahora, Satellite Division, International Bureau, at jabin.vahora@fcc.gov or (202) 418-0748 (facsimile).

Copies of the Petition and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at fccalbcpiweb.com. The Petition and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The Petition also is available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

People with Disabilities: To request this Public Notice in accessible formats (computer diskette, large print, audio recording, and Braille) send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Kathleen Collins, Policy Division, International Bureau, at 202-418-1474 or Jabin Vahora, Policy Branch, Satellite Division, International Bureau, at 202-418-1229.

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