

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

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| In the Matter of                         | ) |                      |
|  | ) |                      |
| Review of Foreign Ownership Policies for | ) | IB Docket No. 11-133 |
| Common Carrier and Aeronautical Radio    | ) |                      |
| Licensees under Section 310(b)(4) of the | ) |                      |
| Communications Act of 1934, as Amended   | ) |                      |
|  | ) |                      |

**COMMENTS OF INTELSAT**

Intelsat License LLC (“Intelsat”) hereby submits comments in response to the Notice of Proposed Rulemaking (“*Notice*”) in the above captioned proceeding.<sup>1</sup> The Federal Communications Commission (“Commission” or “FCC”) proposes to reduce unnecessary regulatory costs and burdens associated with implementation of Section 310(b) of the Communications Act of 1934, as amended, and to facilitate foreign investments while continuing to protect national security, law enforcement, foreign policy and trade policy interests. Consistent with these objectives, the FCC should relieve non-common carrier space station license applicants from having to respond to Section 310(b)-related questions on FCC Form 312 (Questions 30-34).

Intelsat, the leading provider of fixed satellite services (“FSS”) worldwide, operates all of its satellites on a non-common carrier basis.<sup>2</sup> Intelsat consequently is not subject to Section

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<sup>1</sup> *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, IB Docket No. 11-133, Notice of Proposed Rulemaking, FCC 11-121 (August 9, 2011) (“*Notice*”).

<sup>2</sup> *See Applications of The News Corp. Ltd. and The DIRECTV Group, Inc. (Transferors) and Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC and PEOP PAS, LLC (Transferees) for Authority to Transfer Control of PanAmSat Licensee Corp.*, Public Notice, 19 FCC Rcd 15,424, 15,425 (note 5) (Int’l Bur. 2004).

310(b), which applies only to broadcast, common carrier, aeronautical en route, and aeronautical fixed radio station licensees.<sup>3</sup> Nevertheless, Intelsat currently is required to provide detailed foreign ownership information in response to Questions 30-34 on FCC Form 312. These questions are designed to elicit information required to show compliance with Section 310(b)(3) and (4) of the Act. The required disclosure includes the identity and nationality of the foreign entity, the entity's relationship to the applicant, and the percentage of stock owned or voted by the foreign entity.<sup>4</sup>

By requiring these disclosures, the Commission imposes significant regulatory costs and burdens on Intelsat and other non-common carrier satellite space station applicants, even though this information is not required by statute or regulation. Indeed, the Commission recognizes in the *Notice* that “U.S. parent companies face significant difficulties and costs in trying to ascertain the citizenship and principal places of their investors....”<sup>5</sup> As the Commission “reduce[s] the regulatory costs and burdens imposed on wireless carriers that seek to obtain Commission approval of foreign investment under section 310(b)(4),”<sup>6</sup> Intelsat requests that the Commission amend FCC Form 312 to extend similar relief to non-common carrier space station applicants that face identical costs and burdens, and without any corresponding statutory requirement to make such disclosures.

Eliminating the requirement for non-common carrier space station applicants to respond to Questions 30-34 on FCC Form 312 would be consistent with the Commission's existing information requirements for non-common carrier earth station applicants. FCC Form 312

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<sup>3</sup> See 47 U.S.C. § 310(b); see *Notice*, ¶ 9.

<sup>4</sup> See FCC Form 312, Questions 30-34.

<sup>5</sup> *Notice*, ¶ 22.

<sup>6</sup> *Notice*, ¶ 23.

exempts earth station applicants “not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services” from submitting foreign ownership information so long as the applicant is not a foreign government or the representative of a foreign government.<sup>7</sup> Neither the Communications Act nor the Commission’s rules provide a reason for disparate treatment of non-common carrier earth station and space station applicants.<sup>8</sup> Consequently, Intelsat requests that the FCC afford non-common carrier space station applicants the same exemption from Questions 30-34 on FCC Form 312 that applies to similarly situated non-common carrier earth station applicants.

Eliminating the requirement for non-common carrier space station applicants to answer Questions 30-34 on FCC Form 312 will not impair the ability of the Commission to review significant foreign investments. Space station applicants will continue to disclose and to identify the citizenship of all individuals and entities with a ten percent or greater interest.<sup>9</sup> These disclosures will allow the Commission to review significant foreign ownership interests to ensure they serve the public interest. Moreover, the Commission will continue to have the ability to refer applications identifying foreign owners of ten percent or more to the Executive Branch agencies as needed to address any national security or law enforcement concerns.

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<sup>7</sup> FCC Form 312, Alien Ownership.

<sup>8</sup> See 47 C.F.R. §§ 25.140, 25.114.

<sup>9</sup> See, e.g., FCC Form 312, Question 40 (“If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer’s voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.”); see also FCC Form 312 Question A20 (requiring assignment/transfer of control applicants to provide “(1) the name, address, citizenship, and primary business of the controlling entity and any intermediate subsidiaries or parties, and (2) the names, addresses, citizenship, and the percentages of voting and equity stock of those stockholders holding 10 percent or more of the controlling corporation's voting stock.”).

In light of the Commission's stated goals in the *Notice*, Intelsat requests that the Commission reduce the regulatory costs and burdens imposed by Section 310(b) by exempting non-common carrier space station applicants from answering Questions 30-34 on FCC Form 312.

Respectfully submitted,

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