March 25, 2015

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

Re:  Notice of Oral Ex Parte Presentation; Comprehensive Review of Licensing and Operating Rules for Satellite Services, IB Docket No. 12-267

Dear Ms. Dortch:

In accordance with Section 1.1206 of the Commission’s rules, 47 C.F.R. § 1.1206, this letter notifies the Commission that on March 23, 2015, Susan Crandall, Alan Yates, and Dick Evans of Intelsat, and Jennifer Hindin and Colleen King of Wiley Rein LLP and counsel for Intelsat, met with Jose Albuquerque, Troy Tanner, Jennifer Gilsenan, Stephen Duall, and Kerry Murray of the Federal Communications Commission’s International Bureau (“Bureau”) to discuss issues regarding the FCC’s two-degree spacing policy.

Consistent with its comments and reply comments filed in the above-referenced proceeding, Intelsat urged the Commission to eliminate its two-degree spacing rules to remedy the competitive harm unfairly imposed on U.S. licensees and align U.S. licensing with the International Telecommunication Union’s (ITU) coordination process.1 If the FCC fails to entirely eliminate two-degree spacing rules, Intelsat urged the Commission to restrict the two-degree spacing policy to beams—or a collection of beams from a single satellite—that serve all of the contiguous United States (“CONUS”).2

The FCC’s recent order granting DIRECTV Enterprises, LLC (“DIRECTV”) authority to construct, launch, and operate the DIRECTV KU-45W satellite confirms the two-degree rules do not apply to the beams of a non-U.S. satellite that do not cover U.S. territory, even if the satellite has been granted U.S. market access.3 Specifically, as the FCC noted, beams that do not cover the U.S. are not in the scope of U.S. market access, need not be included in a two-degree spacing

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2  Intelsat Reply Comments at 8.
interference analysis, and are subject to the ITU’s satellite coordination procedures. Intelsat further urged the FCC to expand this limitation on the two-degree rule to U.S.-licensed satellites with beams that do not cover the United States because it is not in the U.S. public interest for the Commission to impose additional restrictions on its own licensees that would harm their ability to compete in the global marketplace.

In addition, Intelsat asked the FCC to consider how other Administrations would view the requirement to comply with the two-degree rule for non-U.S. licensees that sought U.S. market access. It is not clear that the United States can, consistent with its treaty obligations, eviscerate another Administration’s ITU priority as a condition of U.S. market access. The FCC should confirm that higher ITU priority is protected for both U.S. and non-U.S. licensees.

Please contact the undersigned with any questions.

Sincerely,

/s/ Jennifer D. Hindin
Jennifer D. Hindin
Counsel for Intelsat

cc: Jose Albuquerque
    Troy Tanner
    Jennifer Gilsenan
    Stephen Duall
    Kerry Murray

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4 Id. (“any potential interference arising from operations of space stations licensed by different Administrations that are not within the scope of a grant of access to the U.S. market are appropriately addressed through the satellite coordination procedures of the International Telecommunication Union (ITU) and need not be addressed in an applicant’s two degree spacing interference analysis.”).
5 Intelsat Reply Comments at 7.