



United States Department of State  
*Washington, D.C. 20520*

Mr. Patrick Masambu  
Director General & Chief Executive Officer  
International Telecommunications Satellite Organization  
4400 Jenifer Street N.W. Suite 332  
Washington, DC 20015

October 3, 2023

Dear Mr. Masambu:

In accordance with the decisions of the Twenty-fifth Assembly of Parties and Articles XII(e)(i) and XII(e)(iv) of the Agreement Relating to the International Telecommunications Satellite Organization (ITSO), as amended (the “ITSO Agreement”), the United States hereby submits a supplementary Report for the period of January 2023 through June 2023 in its capacity as one of the International Telecommunication Union (ITU) Notifying Administrations for Intelsat License LLC (Intelsat).<sup>1</sup>

The United States, to which the frequency assignments in the Fixed Satellite Service (FSS) C- and Ku-bands were permanently transferred when the United States was selected as a Notifying Administration at the time of privatization, has continued to authorize the use of the transferred assignments by Intelsat in a manner consistent with its obligations under Article XII(c) of the ITSO Agreement.<sup>2</sup> At the time of privatization, the United States issued licenses to Intelsat and has since granted a number of modifications to the licenses in a transparent, non-discriminatory, and competitively neutral manner, consistent with U.S. licensing processes, international obligations and Article XII(c).

During the period of January 2023 through June 2023, in order to allow Intelsat to facilitate its fleet management operations and deploy new space stations, the FCC acted on one application for regular authority from Intelsat.

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<sup>1</sup> The United States intends to submit a supplementary report in order to increase the frequency of its reports to twice a year, instead of once a year. As a result, the supplementary report will cover the period of January 1 through June 30, and the annual report will cover the period of July 1 through December 31.

<sup>2</sup> As noted in the past two reports, Intelsat’s restructuring due to bankruptcy did not alter in any way the United States’ role as a Notifying Administration, and the existing conditions that apply to Intelsat’s operation of the transferred assignments were maintained.

- On March 31, 2023, the Satellite Division of the International Bureau of the FCC<sup>3</sup> granted in part and deferred in part, with conditions, the request of Intelsat License LLC, for a license for the Intelsat 40e space station at the 91.0° W.L. orbital location to provide FSS in the 10.825-12.2 GHz (space-to-Earth), 17.8-18.8 GHz (space-to-Earth), 19.3-19.4 GHz (space-to-Earth), 19.6-20.2 GHz (space-to-Earth), and 14.0-14.5 GHz (Earth-to-space), 27.5-28.6 GHz (Earth-to-space), and 29.25-30.0 GHz (Earth-to-space) frequency bands. (ICFS File Nos. SAT-LOA-20200413-00035; SAT-AMD-20220408-00039).

In its capacity as a Notifying Administration for the transferred assignments and other Intelsat FSS C- and Ku-band frequency assignments, the United States, through the FCC, has been working with Intelsat, as it does with other U.S.-licensed operators, to ensure effective coordination of those assignments to avoid harmful interference. In keeping with FCC policy, Intelsat has been encouraged to undertake direct meetings with other foreign licensed operators to resolve coordination issues. As part of this process, during the period from January 2023 through June 2023, other administrations have requested ITU coordination of their frequency assignments with the frequency assignments associated with Intelsat satellites, but no meetings have occurred. Once these coordination meetings take place, the resulting agreements will result in the protection of the frequency assignments associated with Intelsat satellites. All of the transferred assignments have been notified to the ITU and have been entered into the Master International Frequency Register (MIFR). No changes to the transferred assignments have been necessary as a result of past coordination activities, and it is anticipated that the same will be the case in the future.

Regarding the suspended frequency assignments at the 328.5 E.L. orbital location, Intelsat 25 satellite began operations at the 328.5E.L. orbital location on April 4, 2010, but it was not designed to use the 10.95-11.2 GHz frequency assignments. Intelsat 801, however, operated at the 328.5 E.L. orbital location using all the transferred assignments, including the 10.95-11.2 GHz frequency band, associated with this orbital location. Intelsat 801 operated from the 328.5 W.L. orbital location prior to the 2001 privatization and until September 23, 2010, when it was relocated to the 29.5 W.L. orbital location.

On September 26, 2017, Intelsat 903 began operations at the 328.5° E.L. orbital location and was able to operate in the 10.95-11.2 GHz frequency band. Intelsat 25 also remained in operation at the 328.5° E.L. orbital location. Because Intelsat did not use the 10.95-11.2 GHz band at the 328.5° E.L. orbital location prior to the arrival of Intelsat 903, a time difference of more than 3 years, the ITU's Radio Regulations Board (RRB) concluded that this frequency assignment was not in continuous use within the meaning of the ITU Radio Regulations. Pursuant to the ITU Radio Regulations, a frequency assignment must be brought back into use within 3 years from the date of suspension or the assignment will be cancelled.

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<sup>3</sup> Effective April 10, 2023, the FCC created two new organizational units – the Space Bureau and the Office of International Affairs – that replaced the International Bureau. Policy and licensing matters related to satellite communications and other in-space activities under the Commission's jurisdiction were transferred to the new Space Bureau. See *Establishment of the Space Bureau and the Office of International Affairs and Reorganization of the Consumer and Governmental Affairs Bureau and the Office of the Managing Director*, MD Docket No. 23-12, Order, FCC 23-1 (rel. Jan. 9, 2023).

As part of its annual report on the status of the Common Heritage assignments, the U.S. Notifying Administration informed ITSO on February 15, 2019 (covering Intelsat developments for the calendar year 2018) that the RRB cancelled the 10.95-11.2 GHz assignment. The RRB, however, instructed the Radiocommunications Bureau (BR) to postpone this suspension until WRC-19, and at the WRC-19, the BR was instructed to reinstate the 10.95-11.2 GHz assignment. Accordingly, as part of its annual report on the status of the Common Heritage Assignments, the U.S. Notifying Administration informed ITSO on January 22, 2020 (reporting Intelsat developments for the calendar year 2019), of the reinstatement of the 10.95-11.2 GHz assignment.

Unexpectedly, the Intelsat 903 satellite experienced a catastrophic anomaly, and on May 8, 2020, the FCC requested that the BR suspend the 10.95-11.2 GHz assignment. The 10.95-11.2 GHz downlink at 328.5°E was suspended under the ITU Radio Regulations. Importantly, because Intelsat 25 was (and still is) in operation at that location, the suspension applied only to the frequencies not in use, i.e., the 10.95-11.20 GHz downlink band. Intelsat 903 was deorbited on May 14, 2020.

On May 21, 2020, Intelsat informed the FCC of its intent to bring the relevant frequency assignments back into use within the 3 years allowed by the ITU Radio Regulations and stated that it had not, and was not, waiving or otherwise relinquishing its 10.95-11.20 GHz frequency assignment rights. Accordingly, the United States Notifying Administration believed Intelsat planned to bring these frequency assignments back into use.

On Dec. 22, 2022, the BR asked the FCC to confirm the date on which the 10.95-11.20 GHz assignment had been brought back into use and notified the FCC that April 21, 2023, was the end of the bringing-back-into-use period. On January 4, 2023, the FCC forwarded to Intelsat the December 23, 2022, letter from the BR, and on April 17, 2023, the FCC notified Intelsat that the FCC had received no response from Intelsat regarding the BR's inquiry. On April 17, 2023, Intelsat responded that the frequencies would not be brought back into use, and on April 18, 2023, this information was conveyed by the FCC to the ITSO Director General.

We believe that the United States, in its role as Notifying Administration, has continued to authorize the use of the transferred assignments in a manner consistent with its obligations under Article XII(c) of the ITSO Agreement. The United States continues to be committed to efficient and equitable use of the geostationary-satellite orbit and the related spectrum, as well as adherence to the requirements of the ITSO Agreement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug May', is positioned above the printed name.

Douglas C. May

Director, Technology & Security Policy  
International Information and Communications Policy