

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)
)
Applications Filed for Transfer of) SB Docket No. 24-267
Control of Intelsat to SES)
)

RESPONSE TO COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS

I. INTRODUCTION

The National Association of Broadcasters (NAB)¹ provides this response to comments submitted pursuant to the Commission’s Public Notice² on the application of Intelsat Holdings S.à.r.l. (“Intelsat”) to transfer control of its licenses to SES S.A. (“SES”). C-band satellite services remain a vital component of radio and television broadcasters’ operations, and SES and Intelsat collectively operate nearly all the C-band satellites providing services domestically within the United States. Although we take no position on the proposed transfer of control or on any particular conditions sought by other parties, NAB joins NCTA in urging the Commission to carefully consider the impact that the proposed transaction would have on the quality and cost of C-band satellite services.

¹ The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Applications Filed for Transfer of Control of Intelsat to SES*, Public Notice, DA No. 24-872, SB Docket No. 24-267 (rel. Aug. 29, 2024) (“Public Notice”).

II. RADIO AND TELEVISION BROADCASTERS RELY ON C-BAND FOR RELIABLE DISTRIBUTION OF PROGRAMMING

As NAB has previously noted in connection with the repurposing a portion of the C-band,³ services provided by Intelsat and SES are used to deliver programming to broadcasters around the country. The C-band is used to deliver network programming to over 1000 broadcast stations affiliated with national networks, as well as for distribution of sports and syndicated programming to commercial radio stations listened to by tens of millions of Americans.⁴ National Public Radio also relies on the C-band “for reliable distribution of programming to the 475 public radio earth stations that together broadcast public radio programming to 42 million Americans each week.”⁵

As NCTA noted in its comments in this docket, the C-band remains critical for video distribution today.⁶ Terrestrial alternatives, such as fiber and wireless services, are not necessarily available at remote broadcaster facilities and may be cost-prohibitive where they are available. Other satellite bands, such as Ka- and Ku-band, suffer from rain fade and do not deliver the reliable service that broadcasters and their viewers and listeners demand. As a result, terrestrial alternatives and other satellite bands are not adequate substitutes for broadcasters that use C-band for video and audio distribution. Now, and for the foreseeable future, the C-band is the only practical way for many broadcasters to continue to obtain network and syndicated content. Indeed, at least two major broadcast television networks rely

³ Comments of NAB at 3, GN Docket No. 18-122 (Oct. 29, 2018).

⁴ *Id* at 4.

⁵ Letter from Adam Shoemaker to Marlene H. Dortch, GN Docket No. 17-183 (Nov. 8, 2017).

⁶ NCTA Comments at 6-8.

exclusively on C-band for distribution of network programming to broadcast stations, as do several radio syndicators.

Under the C-band Report and Order, SES and Intelsat separately worked to ensure that, throughout the reallocation of a portion of the C-band, broadcasters, listeners, and viewers continue to receive high quality video and audio programming and that earth stations continue to receive substantially the same service that they were able to receive before the transition.⁷ But if the proposed transaction were consummated, the combined SES and Intelsat collectively would control over 96 percent of the C-band spectrum in the United States.⁸ While we have no view on how the parties might behave post-merger, we urge the Commission to consider the implications of one entity controlling virtually all C-band spectrum.

III. CONCLUSION

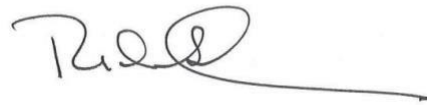
Broadcasters rely heavily on C-band to provide programming to millions of viewers and listeners each day. The Commission should carefully consider the extent to which the proposed transaction or any potential condition on such transaction would impact the availability, reliability, and price of C-band satellite services, and by extension the availability of content to broadcast listeners and viewers.

⁷ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd. 2343, 2414 ¶ 171 (2020) (“C-band Report & Order”). See also Letter from Christophe De Hauwer, Chief Development Officer, SES Americom, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 18-122 & 23-97, at 5 (filed July 10, 2023); Letter from Michelle V. Bryan, General Counsel, Chief Administrative Officer and Secretary, Intelsat License LLC, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 18-122 & 23-97, at 9 (filed July 12, 2023).

⁸ Eutelsat Comments at 5.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right from the end of the signature.

Rick Kaplan
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October 15, 2024