

Waiver Request

Pursuant to Section 1.3 of the Commission's rules, the Commission may waive its rules for good cause shown.¹ "Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule," including "more effective implementation of overall policy."² In determining whether to waive its rules, the Commission should "take into account considerations of hardship, equity, or more effective implementation of overall policy."³ As shown below, there is good cause for the Commission to grant a waiver of certain limitations in the Commission's Form 312 Schedule S.

I. Waiver of Limitations in Schedule S

As required by the Commission's rules,⁴ Muon has submitted with this application a completed Schedule S, which contains certain technical information in a prescribed form. Muon has found that it cannot accurately describe its system in certain respects due to limitations in Schedule S itself. To the extent necessary, Muon requests that the Commission waive these aspects of the requirement to complete Schedule S.

Specifically, at the time of filing, the Schedule S form does not request, or provide a

¹ 47 C.F.R. § 1.3; *see also WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

² *GE American Communications, Inc.*, Public Notice, 16 FCC Rcd. 11038, ¶ 9 (IB 2001).

³ *WAIT Radio*, 418 F.2d at 1159.

⁴ *See* 47 C.F.R. § 25.114.

means to submit, any orbital plane information — the information that would previously have been submitted in section S3(g). When the draft Schedule S is viewed in PDF form, however, section S3(g) is visible and is filled with the values that were provided when the Schedule S associated with the currently effective authorization, SAT-MOD-20250924-00300, was submitted. Accordingly, the values in the attached Schedule S associated with MuSat-3, identified as Orbital Plane No. 2 in Section S3(g), are incorrect. The correct value for both Apogee and Perigee is 550 km +/- 25 km.⁵

⁵ The Commission previously granted several of Muon's requests for waivers, including a waiver of section 2.106(a), (c)(347) of the Commission's rules, *see* Grant of Authority, ICFS File Nos. SAT-MOD-20240614-00133; SAT-AMD-20240927-00207, Conditions 5, 14, 15 (Jan. 17, 2025), limitations in Schedule S other than the one referenced in this request, *id.*, Condition 16, and of the modified processing round requirements of 47 CFR §§ 25.156 and 25.157, *id.*, Condition 17. To the extent necessary, those same requests are incorporated by reference here.