

April 18, 2019

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

Re: Request for Special Temporary Authority to Provide Domestic Service in the 3625-3700 MHz and 5850-5925 MHz Frequency Bands on Intelsat 903; Call Sign S2407  
**Expedited Treatment Requested**

Dear Ms. Dortch:

Intelsat License LLC (“Intelsat”) herein requests grant of Special Temporary Authority (“STA”)<sup>1</sup> for 30 days, commencing upon grant, to provide domestic service in the 3625-3700 MHz and 5850-5925 MHz frequency bands on Intelsat 903 (S2407) at its current licensed location<sup>2</sup> to restore customers affected by the anomaly on Intelsat 29e.<sup>3</sup> Intelsat will also be filing a license modification application to support the long-term restoration of customers on Intelsat 903 in this frequency band.

Intelsat requests a waiver of 47 C.F.R. §§ 2.106, Footnotes US245 and NG185, and § 25.120(a) of the Federal Communications Commission’s (“Commission”) rules. Section 2.106, Footnotes US245 and NG185 limit the use of 3625-3700 MHz and 5850-5925 MHz to international inter-continental

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<sup>1</sup> Intelsat has filed this STA request, an FCC Form 159, and a \$980.00 filing fee electronically via the International Bureau’s Filing System.

<sup>2</sup> *See Policy Branch Information; Actions Taken*, Report No. SAT-01233, File No. SAT-MOD-20170131-00010 (Apr. 21, 2017) (Public Notice).

<sup>3</sup> *See Policy Branch Information; Actions Taken*, Report No. SAT-01382, File No. SAT-STA-20190410-00025 at license condition no. 2 (Apr. 12, 2019) (Public Notice).

systems;<sup>4</sup> and Section 25.120(a) requires an STA request to be received by the Commission at least three working days prior the start of proposed operations.<sup>5</sup>

Grant of this STA request is in the public interest. The Commission may grant a waiver for good cause shown.<sup>6</sup> The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.<sup>7</sup> In granting a waiver, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>8</sup> Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

Good cause exists in this case based on hardship. Due to the sudden and unexplained anomalies on the Intelsat 29e satellite, Intelsat has had to restore customers who were previously provided service on Intelsat 29e with capacity on other satellites, such as Intelsat 903, based on available capacity. The Intelsat 29e satellite operated with a waiver of Footnote US245 in the 5850-5925 MHz band.<sup>9</sup> The satellite did not operate in 3625-3700 MHz frequency band. Intelsat seeks waiver of Footnote US245 and Footnote NG185 in order to restore this capacity domestically on Intelsat 903 using the 3625-3700 MHz and 5850-5925 MHz bands. Additionally, Intelsat is unable to comply with the requirements of § 25.120(a) and of the Commission's rules because of the urgent need to restore customers.

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<sup>4</sup> 47 C.F.R. § 2.106, Footnotes US245 and NG185.

<sup>5</sup> 47 C.F.R. § 25.120(a).

<sup>6</sup> 47 C.F.R. § 1.3.

<sup>7</sup> *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

<sup>8</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>9</sup> See *Policy Branch Information; Actions Taken*, Report No. SAT-01212, File No. SAT-MOD-20160916-00091 (Jan. 27, 2017) (Public Notice).

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For the reasons set forth herein, Intelsat respectfully requests that the Commission expeditiously grant this STA request. Please direct any questions regarding this STA request to the undersigned at (703) 559-6949.

Respectfully submitted,

*/s/ Cynthia J. Grady*

Cynthia J. Grady  
Senior Counsel  
Intelsat US LLC

cc: Stephen Duall  
Jay Whaley