

Systems Analyst Branch
Satellite Division, International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

October 24, 2011

Re: Ship Equip, Inc. waiver request to operate ESVs in the extended downlink Ku-Band for ITU Region 1.

Ship Equip, Inc. (“Ship Equip”) respectfully requests a waiver of Section 25.222(a) of the Federal Communication Commission’s (“Commission”) Rules. The Commission can grant a waiver for good cause shown.¹ “Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest that would strict adherence to the general rule. Generally, the Commission may grant a waiver of its rules in a particular case only if the relief requested would not undermine the policy objective of the rule in question and would otherwise serve the public interest.”²

In this case, Ship Equip, through the underlying Earth Stations on Vessels (ESV) application, requests authorization to downlink in the 10950 to 12750 MHz extended Ku-Band operating within the contours of the European and African Beams (ITU Region 1) of the Telstar 11N (37.55 WL) satellite. Only a part of the 10950 to 12750 MHz band is authorized for Fixed Satellite Service (“FSS”) in ITU Region 1. Specifically, the 11700 to 12500 MHz segment is excluded for FSS in ITU Region 1. ITU Resolution 902 identifies the 10700 to 12750 MHz band as an ESV band. However, in the order in which the

¹ 47 C.F.R. §1.3.

² *In the Matter of EchoStar Ku X Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 83° W.L. Orbital Location.* Order and Authorization. Paragraph 12. Released September 30, 2004.

Commission adopted service rules for ESVs, there was no discussion of Region 1 FSS bands.³ Therefore, Ship Equip requires a waiver in order for ESVs operating within the contours of the European and African Beams to downlink in the 11700 to 12500 MHz band.⁴

Grant of Ship Equip's waiver request will serve the public interest in that it will enable vessel operators and their crews to maintain contact with the United States while they are operating in European or African waters. Grant of the waiver request, moreover, poses no possibility of harmful interference.

Sincerely,

/Raul Magallanes/

Raul Magallanes

Counsel to Ship Equip

³ *In the Matter of Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425MHz/3700-4200 MHz Bands and 14.0-14.5 Ghz/11.7-12.2 GHz Bands*, Report and Order, FCC 204-286, Adopted December 15, 2004, Released January 6, 2005.

⁴ Ship Equip acknowledges that, in accordance with Annex 1, paragraph 3 of Resolution 902, ESVs operating in the 11700 to 12500 MHz band cannot claim protection from interference from terrestrial stations.