

Comment & Waiver Request

Comment regarding use of a non-U.S. license satellite: In this application, Ovzon seeks authorization for a fixed earth station communicating with Hispamar Satélites, S.A.'s AMAZONAS-2 satellite operating at 61° W.L.¹ The frequencies requested for communication are at the time of submitting this application still pending market access authorization by the FCC².

To this end, Ovzon has on June 22, 2021 sought special temporary authority ("STA") to operate the earth station³ while the FCC examines Hispamar Satélites, S.A.'s application for modification of its current AMAZONAS-2 market access authorization.

Ovzon recognizes that the Commission will not grant its request for regular authority until the Commission grants the pending modification of the AMAZONAS-2 market access authorization. To the extent necessary, Ovzon will seek additional STAs to continue operation of its earth station until the Commission grants the AMAZONAS-2 modification.

Assuming that the modification will be granted, Ovzon is not submitting any further information pertaining to 47 C.F.R. § 25.137.

Waiver request: Ovzon requests a waiver of Section 2.106 Footnote NG52 in the U.S. Table of Frequency Allocations⁴ to permit the use of the requested frequency bands by non-federal FSS operations with earth stations located both inside and outside the United States. Good cause for a waiver exists in this case. Grant of the requested waiver to permit domestic use of the requested frequencies is consistent with precedent for both downlink⁵ and uplink⁶ operations in the frequency bands requested by Ovzon. Such a waiver is justified as the operation of this earth station would be on an unprotected, non-interference basis, thereby not increasing the number of earth stations with which terrestrial operators would have to coordinate. Ovzon coordinated its proposed operations with potentially impacted terrestrial operators⁷, and thus grant of this license will not contribute to an increased general risk of interference.

Grant of this waiver is in the public interest. Ovzon is a satellite broadband provider serving the most demanding customers operating in the most adverse conditions; among these the U.S.

¹ Hispamar Satélites, S.A., Petition to Add the AMAZONAS-2 Space Station to the Permitted Space Station List, Call Sign S2793, SAT-PPL-20090806-00081 (granted Oct. 15, 2009).

² Hispamar Satélites, S.A., Application to Modify Authorization for AMAZONAS-2, Call Sign S2793, IBFS File No. SAT-MPL-20210603-00073 (filed Jun. 3, 2021) (Hispamar Application).

³ Ovzon LLC, Request for Special Temporary Authority for a 1.5 meter Ku-band transmit/receive earth station for communication with AMAZONAS-2 on frequencies pending grant to the FCC's Approved List. SES-STA-INTR2021-02266 (filed Jun. 22, 2021)

⁴ 47 C.F.R. § 2.106, n.NG52.

⁵ See, e.g., *Hispat 30W-6* at ¶ 6; *Intelsat License LLC*, IBFS File No. SAT-LOA-20130722-00097 (granted May 22, 2015) ("*Intelsat 29e*"); *Intelsat License, LLC*, IBFS File No. SAT LOA-20101014-00219 (granted Jul. 26, 2011) ("*Intelsat 18*"); *PanAmSat Licensee Corp. Application for Authority to Use the Extended Ku-Band Frequencies for Domestic Service*, Order and Authorization, 20 FCC Rcd 14642, 14646 (Sat. Div., Int'l Bur., 2005) ("*PanAmSat Order*").

⁶ *Intelsat 29e* at ¶ 22; *DIRECTV Enterprises, LLC*, IBFS File. No. SAT-RPL-20140221-00026 at ¶ 12 (granted May 11, 2016).

⁷ See *Exhibit A Coordination Report attached to this application*.

government customers including the Department of Defense (“DoD”). This earth station will be part of a test and training network allowing Ovzon’s customers to acquaint themselves with the Ovzon service in the United States prior to using the service elsewhere in the world. Grant of this waiver request is in the public interest as it allows Ovzon to utilize available satellite capacity to provide its U.S. government customers with service for critical testing and training exercises.

Consistent with Commission grant of previous waivers of Footnote NG52, Ovzon certifies that i) its operations will be conducted on an unprotected, non-interference basis relative to terrestrial fixed stations, ii) it will accept any level of interference from terrestrial fixed stations and operators of terrestrial fixed stations will not be required to coordinate their operations with the receiving earth station, and iii) Ovzon will disclose to its customers, including end-users, that use of the frequency bands for domestic service is on an unprotected basis and that future terrestrial fixed stations may cause harmful interference to their (separately licensed) earth stations, and iv) upon notice that its earth station operations are causing interference Ovzon would terminate operations and immediately inform the FCC of the event.