

## **REQUEST FOR WAIVER OF TEMPORARY FILING FREEZE**

By this application, Anadarko Petroleum Corporation (“Anadarko”) hereby petitions the International Bureau (the “Bureau”) to waive the temporary freeze on the filing of new application for fixed satellite service (“FSS”) earth station licenses in the 3.7-4.2 GHz Band (“C-Band”) (the “Filing Freeze”).<sup>1</sup> The new application seeks to re-license Earth Station E030216, which expired due to an administrative oversight.

### **Background**

Anadarko is among the largest independent oil and natural gas exploration and production companies in the world, with approximately 1.47 billion barrels of oil equivalent of proved reserves at year-end 2018. Anadarko’s operations are weighted towards resource plays in Texas and the southern US, the Rocky Mountain region in Colorado, Wyoming, and Utah, as well as the Appalachian region and Marcellus Shale in Pennsylvania and the Gulf of Mexico. Anadarko’s Earth Stations provide voice and data services to personnel on its Lucius Spar, Marco Polo, Heidelberg, and Independence Hub oil platforms in the Gulf of Mexico.

### **Request for Rule Waiver of the Filing Freeze**

#### **I. Legal Standard for Granting a Waiver to the Filing Freeze**

The Commission may grant a request for waiver if it is shown that unique or unusual circumstances are presented such that it would be inequitable, unduly burdensome or contrary to the public interest to enforce the rule, and the applicant has no reasonable alternative.<sup>2</sup> Regarding the Filing Freeze, “[t]he appropriate Bureau will consider requests for waiver of this freeze on a case-by-case basis and upon a demonstration that waiver will serve the public interest and not undermine the objectives of the freeze.”<sup>3</sup>

#### **II. Anadarko Faces Unique and Unusual Circumstances and No Reasonable Alternative Exists for Meeting this Requirement**

Anadarko’s C-band Earth Stations provide critical broadband connectivity for voice and data transmissions to and from its oil platforms. Anadarko relies on Earth Station E030216 for these communications on its Marco Polo Oil Platform in the Gulf of Mexico. Without this license, Anadarko’s satellite communications capabilities will be limited, which will limit critical communications supporting Anadarko’s oil production in the Gulf of Mexico. Reliable broadband connectivity is critical to operational integrity and the safety of personnel and the

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<sup>1</sup> See *Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7-4.2 GHz Band, 90 Day Window to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band*, Public Notice, DA 18-398 (rel. Apr. 19,2018) (“Filing Freeze PN”).

<sup>2</sup> 47 C.F.R. §1.25(b)(3).

<sup>3</sup> Filing Freeze PN, at 3.

environment. Anadarko's C-Band transmissions are the most important component of its communications for its production platforms.

Anadarko has no reasonable alternative in this case, and due to the safety-related functions of its communications system, grant of the requested authority is in the public interest. Due to the Filing Freeze, it would be unreasonable for Anadarko to request a new system in the C-Band. The only reasonable option that meets Anadarko's safety needs is to re-license Earth Station E030216.

### **III. Anadarko's Request Will Not Undermine the Objective of the Filing Freeze**

The reason Anadarko seeks to re-license Earth Station E030216 is because the license was not renewed due to an administrative oversight; therefore, the re-licensing would be serving the same purpose as a renewal of the license. The Filing Freeze PN provides specific exceptions to the Filing Freeze, including "applications for renewal."<sup>4</sup> Because renewals are exempt from the Filing Freeze and the re-licensing of E030216 would have the same effect as a renewal, allowing Anadarko to file the application to re-license E030216 would not undermine the Objective of the Filing Freeze.

Further, the purpose of the Filing Freeze is "[t]o preserve the current landscape of authorized operations in the 3.7-4.2 GHz band pending the Commission's consideration of the issues raised in response to the [*Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz (NOI)*]."<sup>5</sup> E030216 expired on December 17, 2018, after the Filing Freeze was in effect. Re-licensing E030216 would assist in preserving the landscape of authorized operations in the C-Band at the time the Filing Freeze commenced.

In light of the foregoing, Anadarko respectfully requests that the Commission grant the waiver of the Filing Freeze to permit Anadarko to file a new application to re-license Earth Station E030216

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Should the Commission require any additional information, it is requested to contact Wes Wright, Keller and Heckman LLP, 1001 G Street NW, Washington, D.C. 20001; 202.434.4239; e-mail: [wright@khlaw.com](mailto:wright@khlaw.com).

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<sup>4</sup> *Id.*

<sup>5</sup> *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Notice of Inquiry, 32 FCC Rcd 6373 (2017) (NOI).