

EXHIBIT A REQUEST FOR EARTH STATION AUTHORIZATION

Pursuant to Section 25.115 of the Federal Communications Commission’s (“FCC” or “Commission”) rules, Intelsat License LLC, as debtor in possession (“Intelsat”), files this application for a new C-band earth station in Brewster, WA to provide telemetry, tracking, and command (“TT&C”) and international gateway services in the 3.7-4.2 GHz and 5.925-6.425 GHz frequencies (“C-band”).¹ Additionally, in the near future Intelsat will be seeking to license a second set of C-band antennas in Andover, ME.² Together, these two teleports—Brewster, WA and Andover, ME—will enable Intelsat to efficiently consolidate its C-band TT&C operations at two protected teleports within the contiguous United States (“CONUS”), pursuant to the Commission’s *C-Band Order*.³ Intelsat further requests that the Commission amend the Incumbent Earth Station list to expressly include all antennas granted pursuant to these applications.⁴

I. REQUEST FOR NEW EARTH STATIONS AT TWO PROTECTED TELEPORTS

In February 2020, the Commission adopted the *C-Band Order*, which requires all incumbent C-band satellite operators to consolidate their TT&C operations within CONUS into four protected locations prior to December 5, 2021.⁵ The Commission provided that Intelsat and SES Americom would each select two locations to designate as the protected C-band TT&C teleports.⁶ As described in detail in its *Final Transition Plan*, Intelsat has designated Brewster, WA and Andover, ME as its two preferred locations for TT&C operations within CONUS.⁷

Therefore, in accordance with the *C-Band Order*, Intelsat submits this application to add the new C-band antennas at the Brewster teleport⁸ in order to commence the consolidation of its

¹ Intelsat is contemporaneously seeking to license additional of C-band antennas at the Brewster, WA teleport in a separate license application. In total, Intelsat is seeking to license seven new antennas in Brewster, WA.

² See Letter from Michelle V. Bryan, Executive Vice President, General Counsel and Chief Administrative Officer, Intelsat US LLC, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 18-122 and 20-173, at 20-25 (Aug. 14, 2020) (“*Final Transition Plan*”). Intelsat expects to file an application for its Andover, Maine earth station in the near future.

³ See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd. 2343¶¶ 374-381 (Mar. 3, 2020) (“*C-Band Order*”).

⁴ *Id.* at ¶ 116; *International Bureau Releases List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, Public Notice, IB Docket No. 20-205, DA 20-823, at 2 (Aug. 3, 2020) (“*Incumbent Earth Station PN*”).

⁵ *C-Band Order* at ¶ 375; 47 C.F.R. § 25.203(n) (restricting interference protection for TT&C operations in the 3.7-4.0 GHz band to four locations).

⁶ *Id.* at ¶ 374.

⁷ See *Final Transition Plan* at 20-25.

⁸ See *id.* at 22-23.

C-band TT&C operations.⁹ The *C-Band Order* expressly authorizes incumbent satellite operators to submit applications for new C-band antennas at the consolidated, protected teleports to facilitate the transition of their C-band TT&C and international gateway services.¹⁰

While the *C-Band Order* expressly provides for the submission of these new earth stations, the U.S. Table of Frequency Allocations and newly adopted Section 25.128 do not.¹¹ Out of an abundance of caution, and to the extent necessary, Intelsat herein requests a waiver of Section 2.106 footnote NG182's and Section 25.128's prohibitions on new earth station applications in the 3.7-4.0 GHz band in CONUS.¹² The new antennas in Brewster, WA will take over TT&C operations and provide spectrum monitoring for satellites serving CONUS from the Atlantic and Pacific Ocean regions from antennas at existing Intelsat teleports that will no longer be utilized.¹³ Thus, good cause exists to grant the instant applications, as Intelsat requests these new earth station facilities in furtherance of the Commission's objectives in the *C-Band Order* by "simultaneously preserving existing FSS services and making way for the provision of next-generation wireless services throughout the contiguous United States."¹⁴ Additionally, good cause exists to grant because the TT&C services these new antennas will continue to perform will ensure the safe station-keeping of a number of Intelsat satellites.

II. REQUEST TO ADD NEW ANTENNAS TO THE INCUMBENT EARTH STATION LIST

The *C-Band Order* provides that four consolidated TT&C locations within CONUS will be "protected locations."¹⁵ However, the process for how protection will be applied to the new TT&C locations within CONUS is not set forth in Section 25.143 of the Commission's rules or

⁹ *C-Band Order* at ¶ 375 ("To facilitate protection of TT&C links while also transitioning them out of the 3.7 GHz Service band, we will not authorize any new TT&C earth station links in the 3.7 GHz Service band within the contiguous United States unless it is to consolidate existing TT&C links into the selected locations for temporary operation.").

¹⁰ *Id.* at ¶ 375.

¹¹ See 47 C.F.R. § 2.106, n. NG182 (providing that within CONUS, "[i]ncumbent use of the fixed-satellite service (space-to-Earth) in the band 3700-4000 MHz is subject to the provisions of §§ 25.138, 25.147, 25.203(n) and part 27, subpart O of this chapter."); see *supra* n. 9; 47 C.F.R. § 25.128.

¹² Under Section 1.3 of the Commission's rules, the Commission has authority to waive its rules "for good cause shown." 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Good cause exists if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest" better than adherence to the general rule. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In determining whether waiver is appropriate, the Commission should "take into account considerations of hardship, equity, or more effective implementation of overall policy." *WAIT Radio*, 418 F.2d at 1159.

¹³ *Final Transition Plan* at 22.

¹⁴ *C-Band Order* at ¶ 20.

¹⁵ *Id.* at ¶ 374; 47 C.F.R. § 25.203(n).

the *C-Band Order*.¹⁶ Intelsat requests that the C-band antennas, authorized pursuant to the consolidation requirements of the *C-Band Order* and situated at one of Intelsat's two "protected locations," be added to the Incumbent Earth Station list. This inclusion should apply to all authorizations for new or modified earth stations sited at the designated teleports because the *C-Band Order* contemplated the operation of these new antennas.

However, as the Commission has not yet specified the process for amending the Incumbent Earth Station list to account for these new (or modified) antennas at the "protected locations," out of an abundance of caution, and to the extent necessary, Intelsat requests that the Commission waive its registration deadline for this application and include the requested antennas on the Incumbent Earth Station list.¹⁷ Good cause exists to grant the instant application, as these applications are made pursuant to the FCC's *C-Band Order* and the relevant antennas are being built under the Commission's assurance that the designated teleports will be "protected locations." As such, potential flexible use licensees have been on notice that antennas at these consolidated TT&C sites would enjoy interference protection.

¹⁶ This application for new C-band antennas mandated by the *C-Band Order* necessarily comes after the closing of the registration window for C-band antennas for inclusion on the Incumbent Earth Station list. Incumbent Earth Station PN at 2; 47 C.F.R. § 27.143.

¹⁷ See *supra* n. 12.