

**Exhibit C**  
**PETITION FOR WAIVER OF SECTION 25.137 AND 25.114 AND OF**  
**THE U.S. TABLE OF FREQUENCY ALLOCATIONS**

**I. TO THE EXTENT THEY APPLY, GOOD CAUSE EXISTS FOR A WAIVER OF CERTAIN PORTIONS OF SECTIONS 25.137 AND 25.114**

Universal Space Network, Inc. (USN) is provided limited legal and technical information for the COMS-1 Satellite.<sup>1</sup> Pursuant to Section 25.137 of the Federal Communications Commission's ("Commission" or "FCC") rules, the same technical information required by Section 25.114 for U.S.-licensed space station, and certain legal information, must be submitted by earth station applicants "requesting authority to operate with a non-U.S. licensed space station to serve the United States..."<sup>2</sup> USN seeks authority to support the needed Telemetry, Tracking, and Control ("TT&C") during launch and early orbit support ("LEOP") of the COMS-1 spacecraft from launch to geostationary parking, not commercial service to the United States, and thus believes that Section 25.137 does not apply.

To the extent the Commission determines, however, that USN's request for authority to provide LEOP on a special temporary basis is a request to serve the United States with a non-U.S.-licensed satellite, USN respectfully requests a waiver of Sections 25.137 and 25.114 of the Commission's rules, to the extent that USN has not herein provided the information required by these rules.<sup>3</sup> The Commission may grant a waiver for good cause shown.<sup>4</sup> A waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

In this case, good cause for a waiver of portions of Section 25.114 exists. USN seeks authority only to conduct LEOP support for COMS-1. Thus, any information sought by Section 25.114 that is not relevant to the LEOP – e.g., antenna patterns, energy and propulsion and orbital debris - USN does not have. In addition, USN would not easily be able to obtain such information because USN is not the operator of the COMS-1 satellite, nor is USN in contractual privity with that operator. Rather, USN has contracted with the Swedish Space Corporation to support the launch and early orbit. The spacecraft is owned and operated by the Korea Aerospace and Research Institute (KARI), and is launched by CNES from French Guiana, to support the GEO transfer portion in S-Band of the satellite prior to its commercial operation.

As evidenced by the Comsearch report attached to this request, USN has coordinated the LEOP of the COMS-1 satellite with potentially affected terrestrial operators. Moreover, as with any STA, USN will conduct the LEOP on an unprotected, non-interference basis to government operations.

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<sup>1</sup> FCC Form 312 Section B

<sup>2</sup> 47 C.F.R. § 25.137(a)

<sup>3</sup> 47 C.F.R. §§25.137 and 25.114

<sup>4</sup> 47 C.F.R. §1.3

Because it is not relevant to the service for which USN seeks authorization, and because obtaining the information would be a hardship, USN seeks a waiver of all the technical and legal information required by Section 25.114, to the extent it is not provided herein. As noted above, USN has provided the required information to the extent that it is relevant to the LEOP service for which USN seeks authorization.

Good cause also exists to waive portions of Section 25.137, to the extent the information required is not herein provided. Section 25.137 is designed to ensure that “U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services” in other countries. Here, there is no service being provided by the satellite; USN is providing TT&C while the satellite is on the way to its geosynchronous parking orbit. Thus, the purpose of the information required by Section 25.137 is not implicated here. For example, Section 25.137(d) requires earth station applicants requesting authority to operate with a non-U.S.-licensed space station that is not in orbit and operating to post a bond.<sup>5</sup> The underlying purpose in having to post a bond – i.e., to prevent warehousing of orbital locations by operators seeking to serve the United States – would not be served by requiring USN to post a bond in order to conduct 10 days of LEOP support of the COMS-1 satellite.

It is USN’s understanding that COMS-1 is licensed by KARI. COMS-1 is a communications and meteorological satellite, and is not intended to serve the United States. Thus, the purpose of Section 25.137 – to ensure that U.S. satellite operators enjoy “effective competitive opportunities” to serve foreign markets and to prevent warehousing of orbital locations service the United States – will not be undermined by grant of this waiver request.

Finally, USN notes that it expects to communicate with the COMS-1 satellite using its U.S. earth station for a period of only 10 days. Requiring USN to obtain technical and legal information from an unrelated party, where there is no risk of interference and the operation will cease within 10 days would pose undue hardship without serving underlying policy objectives. Given these particular facts, the waiver sought herein is appropriate.

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<sup>5</sup> 47 C.F.R. §25.137(d)(4)

## **II. GOOD CAUSE EXISTS FOR A WAIVER OF THE UNITED STATES TABLE OF FREQUENCY ALLOCATIONS**

USN further requests a waiver of the United States Table of Frequency Allocations ("U.S. Table") as described in section 2.106 of the rules for the frequency bands 2025 – 2110 MHz (Earth-to-Space) and 2200 – 2290 MHz (Space-to-Earth).<sup>6</sup> Section footnotes allow for non-federal Government use of these bands in the United States on a case-by-case non-interference basis. Such use by USN necessitates a waiver of the U.S. Table.

Good cause exists to grant USN a limited waiver of the U.S. Table to allow LEOP of the COMS-1 satellite. In considering request for case-by-case spectrum uses, the Commission has indicated that it would generally grant such waivers "where there is little potential for interference into any service authorized under the Table of Frequency Allocations and when the case-by-case operator accepts any interference from authorized services."<sup>7</sup> USN will coordinate with other parties operating communication systems in compliance with the Table of Frequency Allocations to ensure that no harmful interference is caused. USN seeks to operate only pursuant to special temporary authorization and thus agrees to accept any interference from authorized services. In summary, USN's operation on a non-interference, non-protected basis support waiver of the U.S. Table.

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<sup>6</sup> 47 C.F.R. §2.106

<sup>7</sup> Previously approved STA's for Universal Space Network SES-STA-20020725-01174; SES-STA-20021112-02008; SES-STA-20040315-00475

## USN support of COMS-1 from Hawaii

COMS-1 launches from the Centre Spatial Guyanais (CSG), Kourou in French Guyana on the ARIANE 5 launch vehicle. Nominal lift-off time schedule is: June 23<sup>rd</sup>, 2010 at 21:44:00 UTC. USN will only support the Launch and Early Orbit (LEOP) phase of the mission.

### Sequence of events for support of COMS-1 from USN-Hawaii:

Event	Date	Time
Launch	23-June	21:44:00 UTC
Separation	23-June	22:16:43 UTC
Hawaii AOS (pass#1)	24- June	19:46:17 UTC
Hawaii LOS	25- June	03:47:02 UTC
Hawaii AOS (pass#2)	25- June	04:21:08 UTC
Hawaii LOS	25- June	05:33:33 UTC
Orbital maneuver burn #1	25- June	10:37:00 UTC
Hawaii AOS (pass#3)	25- June	18:00:39 UTC
Hawaii LOS	26- June	05:47:48 UTC
Hawaii End of Mission	26- June	05:47:48 UTC

### Detailed pass support

USN will support COMS-1 for a total of 3 passes starting 24-June thru 26-June. Not all possible visibility times will be supported. Actual support details and times for each pass are shown below.

## Injection and Pass #1 and #2

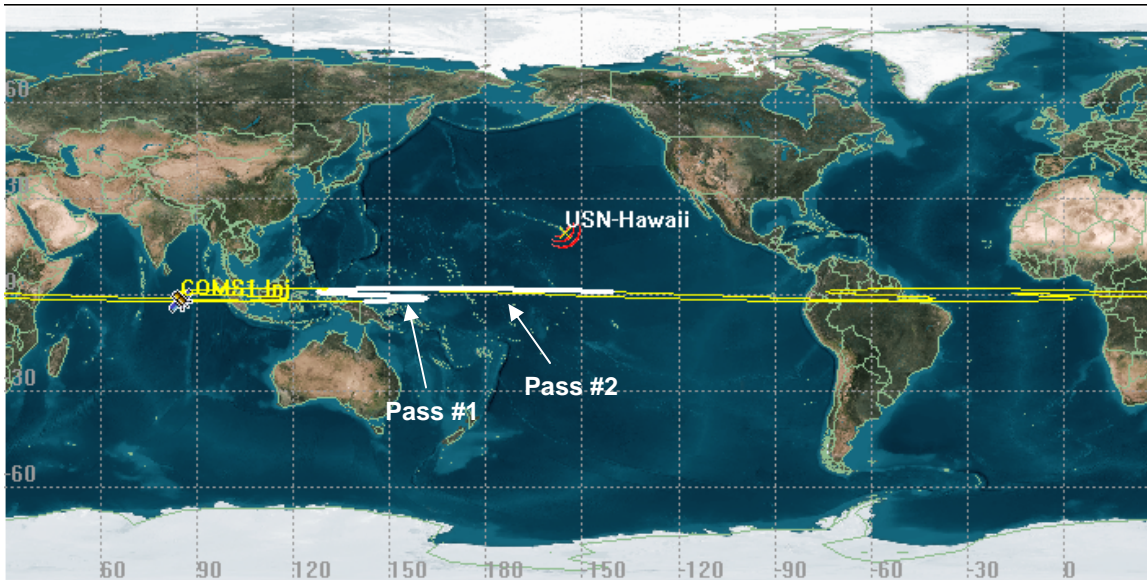
Facility-Hawaii-Sensor-13m-To-Satellite-COMS-1-injection: Access Summary Report

PASS	Start Time (UTCG)	Stop Time (UTCG)
1	24 Jun 2010 19:46:17	25 Jun 2010 03:47:02
2	25 Jun 2010 04:21:08	25 Jun 2010 05:33:33

### Spacecraft Injection NORAD TLE:

COMS1-Inj

```
1 32415U 2010035A 10174.92828470 0.00006501 00000+0 22984-2 0 11  
2 32415 1.9757 65.0678 7278065 177.6755 7.7806 2.27898974 16
```



USN Hawaii coverage of COMS-1 Pass #1 and #2.

### Pass #3 (Post maneuver burn#1)

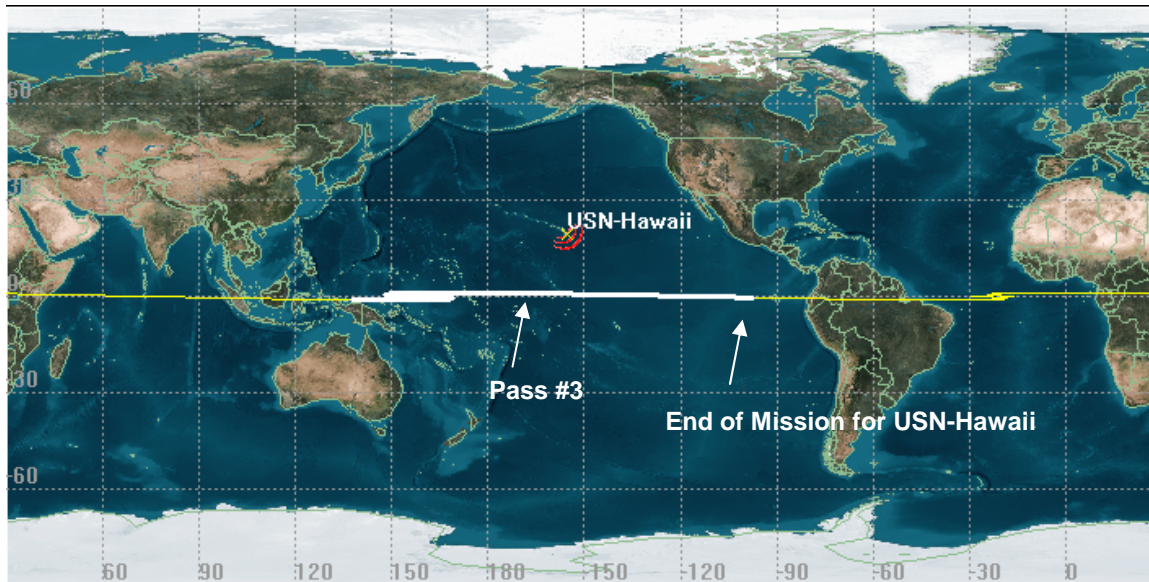
Facility-Hawaii-Sensor-13m-To-Satellite-COMS-1-post-burn#1: Access Summary Report

Pass	Start Time (UTCG)	Stop Time (UTCG)
3	25 JUNE 2010 18:00:39	26 JUNE 2010 05:47:48

#### Spacecraft post burn#1 TLE:

COMS1-AEF1

```
1 32415U 2010035A 10176.47569444 -.00000005 00000+0 -44114+0 0 17  
2 32415 1.0345 64.8162 5434973 178.4006 194.4122 1.92527234 17
```



USN Hawaii coverage of COMS-1 pass #3

End of Mission support for USN