

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 Skynet-5D Satellite.¹ 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..."² USN seeks authority to support the needed Telemetry, Tracking, and Control ("TT&C") during launch and early orbit support ("LEOP") of the Skynet-5D 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.³ The Commission may grant a waiver for good cause shown.⁴ 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 Skynet-5D. 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 Skynet-5D satellite, nor is USN in contractual privity with that operator. Rather, USN has contracted with Swedish Space Corporation (SSC) who is further contracted by CNES, the satellite launch provider, 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 Skynet-5D 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.

¹ FCC Form 312 Section B

² 47 C.F.R. § 25.137(a)

³ 47 C.F.R. §§25.137 and 25.114

⁴ 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.⁵ 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 5 days of LEOP support of the Skynet-5D satellite.

It is USN’s understanding that Skynet-5D is licensed by EADS Astrium. Skynet-5D is a United Kingdom (UK) government communications satellite, and due to its parking slot in geosynchronous orbit can not technically 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 Skynet-5D satellite using its U.S. earth station for a period of only 5 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 5 days would pose undue hardship without serving underlying policy objectives. Given these particular facts, the waiver sought herein is appropriate.

⁵ 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).⁶ 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 Skynet-5D 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."⁷ 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.

⁶ 47 C.F.R. §2.106

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

USN support of Skynet-5D from Hawaii

Skynet-5D launches from Kourou French Guiana on Ariane 5. Nominal lift-off time schedule is: Dec 19th, 2012 at 22:23:00 UTC. The launch window remains open until 22:55:00 UTC. All analysis is based on a nominal launch at 22:23:00 UTC.

Sequence of events for support of Skynet-5D from USN-Hawaii:

Event	Date	Time
Launch	19-Dec	22:23:00 UTC
Separation	19-Dec	22:45:00 UTC
Hawaii AOS (pass#1)	20-Dec	20:34:23 UTC
Hawaii LOS	21-Dec	03:15:47 UTC
Hawaii AOS (pass#2)	21-Dec	05:48:33 UTC
Hawaii LOS	21-Dec	06:21:08 UTC
Skynet-5D AEF#1 burn stop	21-Dec	12:30:00 UTC
Hawaii AOS (pass#3)	21-Dec	20:03:02 UTC
Hawaii LOS	22-Dec	08:52:22 UTC
Skynet-5D AEF#2 burn stop	23-Dec	05:00:00 UTC
Hawaii AOS (pass#4)	23-Dec	12:54:33 UTC
Hawaii LOS (END OF MISSION)	24-Dec	09:27:35 UTC

Detailed pass support

USN will support Skynet-5D for a total of 4 passes starting 19-Dec thru 24-Dec. Actual support details and times for each pass are shown below.

Injection and Pass #1 and 2

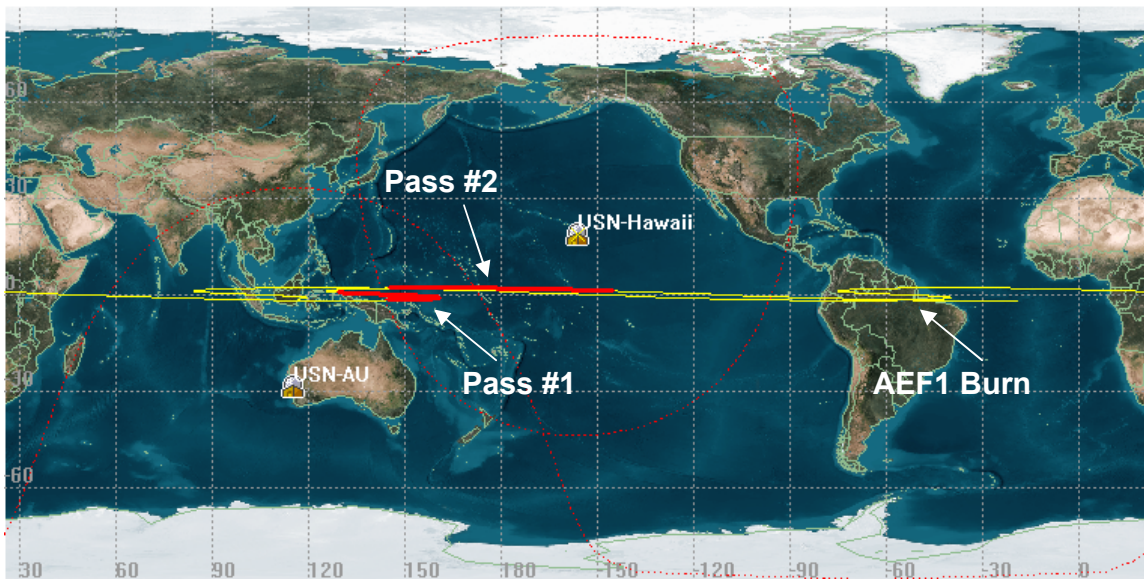
Facility-Hawaii-Sensor-13m-To-Satellite-Skynet5D-injection: Access Summary Report
13m-To-Skynet5D-injection

Access	Start Time (UTCG)	Stop Time (UTCG)
1	20 Dec 2012 20:34:23	21 Dec 2012 03:15:47
2	21 Dec 2012 05:48:33	21 Dec 2012 06:21:08

Spacecraft Injection Two Line elements:

SKYNET-5D

```
1 99999U 12431A 12354.94791667 +.00000000 +00000-9 +60569-3 2 00003  
2 99999 002.0072 251.6691 7288287 178.1815 004.2244 02.26245939000009
```



USN Hawaii coverage of Skynet-5D:

Possible support time from 20 Dec 2012 20:34:23 UTC thru 21 Dec 2012 06:21:08 UTC pass#1 and pass#2
(note that there is a 2 hour and 33 minute no visibility time between pass#1 and pass #2)

Post AEF1 maneuver burn and Pass #3

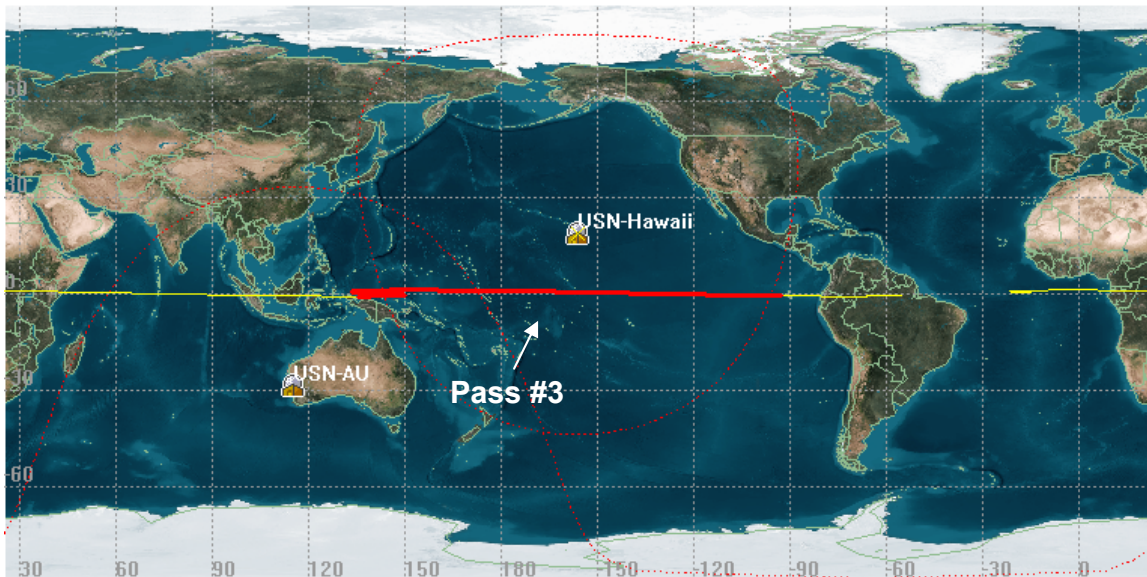
Facility-Hawaii-Sensor-13m-To-Satellite-Skynet5D-post-AEF1: Access Summary Report
13m-To-Skynet5D-post-AEF1

Access	Start Time (UTCG)	Stop Time (UTCG)
3	21 Dec 2012 20:03:02	22 Dec 2012 08:52:22

Spacecraft post AEF1 Two Line elements:

Skynet-5D-AEF1

```
1 99999U 12431A 12356.52083333 +.00000000 +00000-9 +60569-3 2 00003  
2 99999 000.9641 250.8636 4555831 179.3302 205.2922 01.76012521000000
```



USN Hawaii coverage of Skynet-5D:

Possible support time from 21 Dec 2012 20:03:02 UTC thru 22 Dec 2012 08:52:22 UTC pass#3

Post AEF2 maneuver burn and Pass #4

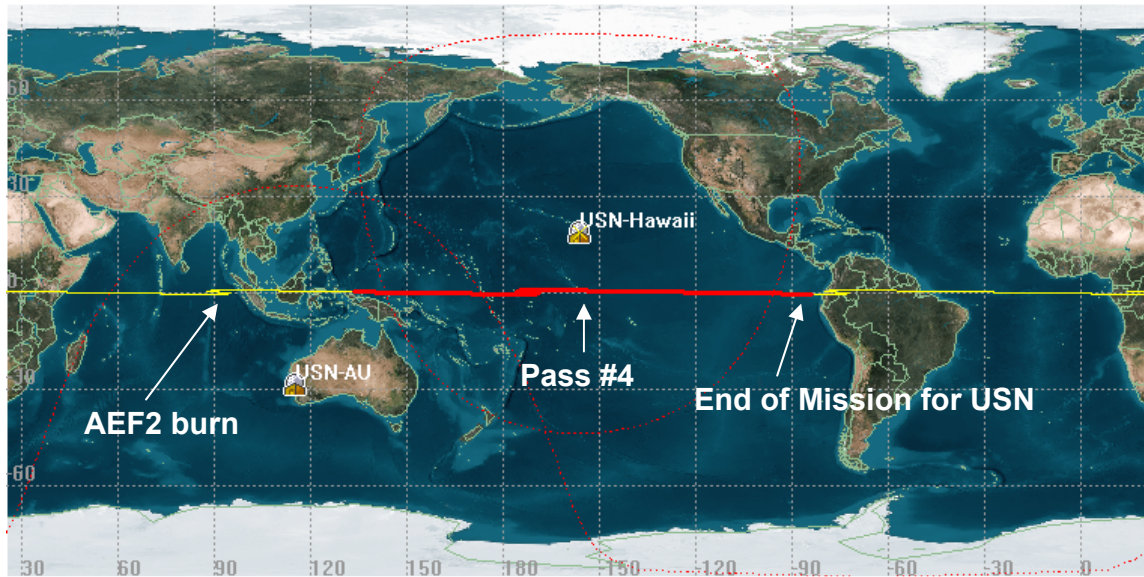
Facility-Hawaii-Sensor-13m-To-Satellite-Skynet5D-post-AEF2: Access Summary Report
13m-To-Skynet5D-post-AEF2

Access	Start Time (UTCG)	Stop Time (UTCG)
4	23 Dec 2012 12:54:33	24 Dec 2012 09:27:35

Spacecraft post AEF2 Two Line elements:

Skynet-5D-AEF2

```
1 99999U 12431A 12358.20833333 +.00000000 +00000-9 +60569-3 2 00003  
2 99999 000.5644 249.9373 2309533 180.2057 191.3581 01.36873533000008
```



USN Hawaii coverage of Skynet-5D:

Possible support time from 23 Dec 2012 12:54:33 UTC thru 24 Dec 2012 09:27:35 UTC pass#4
The AEF2 burn occurs out of view of Hawaii before pass #4 starts. Mission support ends after this pass.