

Exhibit B

Request for Waiver of Footnote 2 of Section 25.202(a)(1) and Footnote NG104 of the U.S. Table of Allocations

To the extent necessary, Intelsat also requests waiver of Section 25.202(a)(1) and Footnote NG104 of the U.S. Table of Allocations, which restrict the use of the 11450-11700 MHz band by the non-federal fixed satellite service in the geostationary orbit to international systems only.¹ Good cause exists to waive the international systems only requirement for the 11450-11700 MHz frequency band. The purpose of NG104 and footnote 2 of Section 25.202(a)(1) is to limit the number of fixed satellite service earth stations with which the co-primary fixed service would need to coordinate.² Intelsat will provide LEOP services in the 11450-11700 MHz frequency band only on a non-interference/non-protected basis and, therefore, will not need to coordinate with fixed service stations.

Moreover, grant of this waiver is consistent with the Commission's precedent. A waiver of the U.S. Table of Allocations is generally granted "when there is little potential interference into any service authorized under the Table of Frequency allocations and when the nonconforming operator accepts any interference from authorized services."³ The International

¹ See 47 C.F.R. §§ 25.202(a)(1), fn. 2 and 2.106, fn. NG104.

² See *Satellite Services*, 26 RR 2d at 1263-65 (1973). See also *EchoStar KuX Corporation Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 83° W.L. Orbital Location*, Order and Authorization, DA 04-3162, 9 (Int'l Bur., Sept. 30, 2004) ("EchoStar 83° Waiver").

³ See *The Boeing Company*, Order and Authorization, 16 FCC Rcd 22645, 22651 (Int'l Bur. & OET 2001); *Application of Fugro-Chance, Inc. for Blanket Authority to Construct and Operate a Private Network of Receive-Only Mobile Earth Stations*, Order and Authorization, 10 FCC Rcd 2860 (Int'l Bur. 1995) (authorizing MSS in the C-band); see also *Application of Motorola Satellite Communications, Inc. for Modification of License*, Order and Authorization, 11 FCC Rcd 13952-13956 (Int'l Bur. 1996) (authorizing service to fixed terminals in bands allocated the mobile satellite service).

Bureau has found that waiving NG104 and footnote 2 of Section 25.202(a)(1) would not undermine the purpose of the rules if the party seeking a waiver: (1) will be utilizing earth stations that are receive-only in these bands and thus “not capable of causing interference into FS stations” operating in the bands and (2) agrees “to accept any level of interference from FS stations” into its receiving earth stations.⁴ Intelsat satisfies these criteria. The earth stations operating in the 11450-11700 MHz band for purposes of the Eurobird-25B LEOP mission will not transmit in these bands and Intelsat agrees to accept any level of interference into these earth stations from fixed service stations in the band. Accordingly, the earth stations operating in these bands pose no interference concerns with respect to co-frequency fixed service stations.

Finally, Intelsat notes that it expects to operate with the Eurobird-25B satellite using its U.S. earth stations only for a period of approximately ten days. Given these particular facts, the waiver sought herein is plainly appropriate.

⁴ EchoStar 83° Waiver, ¶ 13.