

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 PROBA-V 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 in orbit science instrument validation and commissioning campaign of PROBA-V beginning in October, 2013, not commercial service to the United States, and thus believes that Section 25.137 does not apply.

PROBA-V is a small satellite carrying a vegetation instrument. The primary mission is to deliver to the international vegetation science community daily land mass images of vegetation. Section II. of this document describes the mission from ESA and more information can be found on the European Space Agency's website.

To the extent the Commission determines, however, that USN's request for authority to provide this service 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 to conduct receive only payload telemetry to assist in the validation and commissioning of the PROBA-V science instrument already in orbit. Thus, any information sought by Section 25.114 that is not relevant to the support – 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 PROBA-V satellite, nor is USN in contractual privity with that operator. Rather, USN has contracted with Swedish Space Corporation, Solona Sweden (SSC) to support the PROBA-V satellite.

USN is seeking receive only authorization and as such no coordination has been conducted by Comsearch. Moreover, as with any STA, USN will conduct the support 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 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 commercial service being provided by the satellite; USN is providing validation testing of a science instrument in earth orbit. The instrument is a vegetation mapper and is not a commercial payload. 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 the 180 days of support of the PROBA-V satellite.

It is USN’s understanding that PROBA-V is licensed by ESA (European Space Agency). PROBA-V is the forth in the series spacecraft meant to conduct earth science in the EU. 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.

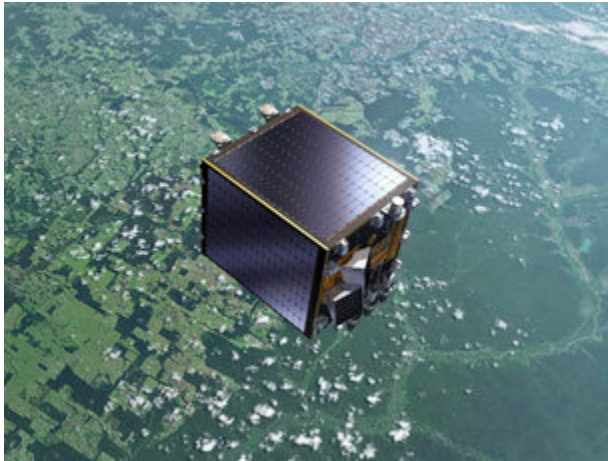
Finally, USN notes that it expects to communicate with the PROBA-V satellite using its U.S. earth station for a period of 180 days. Requiring USN to obtain technical and legal information from an unrelated party, where there is no risk of interference and the operation will cease within 180 days would 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)

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

II. About Proba-V



Proba-V satellite

The Proba-V satellite may only be slightly larger than a washing machine, but it is tasked with a full-scale mission. This miniature satellite is designed to map land cover and vegetation growth across the entire globe every two days.

Over the last decade 'Proba' has become synonymous with small high-performance satellites, designed around innovation. The two previous satellites in the series were demonstration missions to give promising technologies an early chance to fly in space. They were overseen by ESA's Directorate of Technical and Quality Management.

Although designed as a demonstration mission, the success of the first Proba satellite led to it being operated as an Earth observation Third Party Mission. Proba-1 carries a high-resolution imaging spectrometer.



Vegetation swath

Proba-V, however is different from the outset: this new mission will start serving as an operational Earth observation mission as soon as its six-month commissioning phase is complete, supplying data to an existing – and eagerly waiting – international user community.

The 'V' stands for Vegetation – a lighter but fully functional redesign of the 'Vegetation' imaging instrument previously flown on France's full-sized Spot-4 and Spot-5 satellites.

Launched on 7 May 2013, Proba-V has been designed to continue the supply of this much needed imagery for applications such as climate impact assessments, water resource management, agricultural monitoring and food security estimates.

http://www.esa.int/Our_Activities/Observing_the_Earth/Proba-V/About_Proba-V