September 22, 2014

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Request for Special Temporary Authority to Utilize Hagerstown, Maryland Ku-band Antenna KA258 to In-orbit Test the Intelsat 30 Satellite

Dear Ms. Dortch:

Intelsat License LLC ("Intelsat") herein requests a grant of Special Temporary Authority ("STA")[1] for 30 days, from October 25, 2014 through November 24, 2014, to utilize its Hagerstown, Maryland Ku-band antenna, KA258, to conduct in-orbit testing ("IOT") of the Ku-band payload of the Intelsat 30 satellite (Call Sign S2887)[2] at 132.0° W.L. in the following frequencies:

10950-11200 MHz, 11450-11700 MHz, and 11700-12200 MHz (downlink)
13750-14000 MHz and 14000-14500 MHz (uplink)

Intelsat 30 is currently scheduled to be launched on October 16, 2014.

In support of its request, Intelsat attaches Exhibit A, which contains technical information that demonstrates that the operation of the earth station will be compatible with its electromagnetic environment and will not cause harmful interference into any lawfully operating terrestrial facility. In the extremely unlikely event that harmful interference should occur due to transmissions to or from its earth station, Intelsat will take all reasonable steps to eliminate the interference.

Intelsat notes that the maximum power level to be used in the Intelsat 30 IOT will be 22.9 dBW. There are no co-frequency satellites within six degrees of 132.0° W.L.

In addition, in order to conduct IOT in the 10950-11200 MHz and 11450–11700 MHz bands, this application for STA requests a waiver of the footnote NG52 to the U.S. Table of Frequency Allocations, which limits the use of the 10700-11700 MHz frequency band to "international systems."[3] Intelsat seeks

[1] Intelsat has filed this STA request, an FCC Form 159, and $195.00 filing fee electronically via the International Bureau's Filing System.

[2] *See Policy Branch Information; Actions Taken*, Report No. SAT-01036, File Nos. SAT-LOA-20121025-00187 and SAT-AMD-20121221-00220 (Aug. 15, 2014) (Public Notice).

[3] *See* 47 C.F.R. § 2.106 fn. NG52.

waiver to permit the Hagerstown, Maryland earth station KA258 to communicate with the Intelsat 30 satellite at 132.0° W.L. for the limited purpose of IOT.

The Commission may grant a waiver for good cause shown.[4] The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.[5] In granting a waiver, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[6] Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest. As shown below, good cause exists here to grant a waiver allowing the KA258 to provide IOT services to the Intelsat 30 satellite using the 10950-11200 MHz and 11450–11700 MHz band frequencies. Additionally, IOT will be conducted for only a short duration.

Good cause exists to waive the international only requirements for the 10950-11200 MHz and 11450–11700 MHz frequency bands. The purpose of NG52 is to limit the number of the FSS service earth stations with which the co-primary fixed service would need to coordinate.[7] Intelsat will provide services in the 10950-11200 MHz and 11450-11700 MHz frequency bands 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 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."[8] The International Bureau has found that waiving the international only requirement would not undermine the purpose of the rules if the party seeking a waiver 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.[9] KA258 will not transmit in the 10950-11200 MHz and 11450-11700 MHz frequency bands and Intelsat agrees to accept any level of interference into those 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.

The IOT of Intelsat 30's Ku-band payload at 132.0° W.L. is a critical step in ensuring that the payload will be fully operational and thereby promotes the public interest.

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[4] 47 C.F.R. §1.3.

[5] *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

[6] *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

[7] *See Satellite Services*, 26 RR 2d 1257, 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 83º W.L. Orbital Location*, Order and Authorization, DA 04-3162, 9 (Int'l Bur., Sept. 30, 2004) ("EchoStar 83º Waiver").

[8] *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).

[9] EchoStar 83° Waiver, ¶ 13.

For the reasons set forth herein, Intelsat respectfully requests that the Commission grant this request.

Sincerely,

Cynthia J. Grady
Regulatory Counsel
Intelsat Corporation

cc: Paul Blais