

## Exhibit B

### PETITION FOR WAIVER OF SECTION 2.106

Pursuant to Section 2.106 of the Federal Communications Commission's ("Commission" or "FCC") rules, the Table of Frequency Allocations, the 10700-11700 MHz frequency band is limited to "international systems."<sup>1</sup> Intelsat License LLC ("Intelsat") herein seeks a waiver to provide launch and early orbit phase ("LEOP") services for the Turkmenistan-1 satellite using its Hagerstown, Maryland earth station (call sign KA258) in the 11201.0 MHz and 11449.0 MHz frequencies in the downlink.

The Commission may grant a waiver for good cause shown.<sup>2</sup> The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.<sup>3</sup> 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.<sup>4</sup> Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest. Good cause exists here to grant a waiver allowing KA258 to provide LEOP services to Turkmenistan-1 in the 10700-11700 MHz band.

Good cause exists to waive the international only requirement for the 10700-11700 MHz frequency band. The purpose of footnote NG52 is to limit the number of fixed satellite service ("FSS") earth stations with which the co-primary fixed service would need to coordinate.<sup>5</sup> Intelsat proposes LEOP services in the 10700-11700 MHz frequency band only on a non-interference/non-protected basis, and therefore will not need to coordinate with fixed service stations. In addition, the LEOP transmissions will only be conducted for a short, 10 day, duration and the proposed operations will be coordinated with all operators of satellites that use the same frequency bands.

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

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<sup>1</sup> See 47 C.F.R. § 2.106 fn. NG52.

<sup>2</sup> 47 C.F.R. §1.3.

<sup>3</sup> *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("Northeast Cellular").

<sup>4</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>5</sup> 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 83° W.L. Orbital Location*, Order and Authorization, DA 04-3162, 9 (Int'l Bur., Sept. 30, 2004) ("EchoStar 83° Waiver").

operator accepts any interference from authorized services.”<sup>6</sup> 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.<sup>7</sup> KA258 will not transmit in the 10700-11700 MHz frequency band 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.

Grant of this STA request will allow Intelsat to help launch the Turkmenistan-1 satellite. This, in turn, will help ensure continuity of service at the 52° W.L. orbital location and thereby promotes the public interest. Given these particular facts, the waiver sought herein is plainly appropriate.

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<sup>6</sup> 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).

<sup>7</sup> EchoStar 83° Waiver, ¶ 13.