

Exhibit B

Request for Waiver of Footnote US245 to Section 2.106 of the U.S. Table of Frequency Allocations

To the extent necessary, Intelsat requests a waiver of footnote US245 to the U.S. Table of Frequency Allocations, which limits the use of the 3600 - 3650 MHz, 4500 – 4800 MHz, and 5850 – 5925 MHz frequency bands to “international inter-continental systems.”¹ Intelsat seeks a waiver to permit its Fillmore, California earth station (E4132) to communicate with the Indian Regional Navigational Satellite System (“IRNSS”) 1G satellite during its launch and early orbit phase (“LEOP”) mission.

The Commission may grant a waiver for good cause shown,² and typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.³ 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.⁴ 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 of US245 to allow E4132 to provide LEOP services to IRNSS-1G in the 5850 – 5925 MHz band. 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.”⁵ Here, there is little potential for interference given that the uplink transmissions in question will be intermittent and will only occur over an approximately 10-day period.

In addition, waiver is appropriate on hardship grounds. If a commanding link and a telemetry link are considered as a pair, Intelsat cannot practically comply with US245 for TT&C during a LEOP mission because all antennas in the satellite’s footprint with line of sight receive telemetry, regardless of continent. For example: if commanding is being uplinked to a satellite from a U.S. earth station, telemetry is being received by all assigned LEOP mission antennas with line of sight at the same time. Although one of those mission antennas receiving telemetry

¹ See 47 C.F.R. § 2.106 fn. US245.

² 47 C.F.R. §1.3.

³ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

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

⁵ 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).

may be located on a another continent, another may be located in the United States – depending on where the satellite is at any given time in the orbit-raising phase.

Finally, grant of this STA request will allow Intelsat to help safely launch the IRNSS-1G satellite. This, in turn, will help provide navigational services to India and neighboring areas from the 129.5° E.L. orbital location and thereby promotes the public interest. Given these particular facts, the waiver sought herein is plainly appropriate.