

Exhibit B

Request for Waiver of Footnote NG52 of Section 25.202(a)(1) of the U.S. Table of Allocations

To the extent necessary, Intelsat requests a waiver of the footnote NG52 to the U.S. Table of Frequency Allocations, which limits the use of the HispaSat-AG1 MHz frequency band to “international systems.”¹ Intelsat seeks waiver to permit the Castle Rock, Colorado earth station KL92 to communicate with the HispaSat-AG1 satellite during its launch and early orbit phase (“LEOP”) mission.

The Commission may grant a waiver for good cause shown.² The Commission 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. As shown below, good cause exists here to grant a waiver allowing KL92 to provide telemetry, tracking, and control (“TT&C”) services to the HispaSat-AG1 satellite using frequencies in the 10700-11700 MHz band.

Good cause exists to waive the international only requirements for the 10700-11700 MHz frequency band. 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.⁵ The requested frequencies in the 10700-11700 MHz band is used only for downlink and therefore will not cause harmful interference to fixed service stations and will not need to coordinate with fixed service stations. Moreover, no service being provided by the satellite; it is simply being placed in its orbital location after separating from the launch vehicle.

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.”⁶ The International Bureau has found that

¹ See 47 C.F.R. § 2.106 fn. NG52.

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 *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*”).

⁶ 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.*

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.⁷ KL92 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 KL92 providing LEOP services in the 10700-11700 MHz band poses no interference concerns with respect to co-frequency fixed service stations.

Given these particular facts, the waiver sought herein is plainly appropriate.

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).

⁷ EchoStar 83° Waiver, ¶ 13.