

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:
STA Request for Testing of a 7.3m S-band Antenna at Paumalu, Hawaii

1. Applicant

Name:	Intelsat License LLC	Phone Number:	703-559-7848
DBA Name:		Fax Number:	703-559-8539
Street:	c/o Intelsat US LLC	E-Mail:	susan.crandall@intelsat.com
	7900 Tysons One Place		
City:	McLean	State:	VA
Country:	USA	Zipcode:	22102 -5972
Attention:	Susan H. Crandall		



File # SES - STA - 2018 1010 - 03042

Call Sign NA Grant Date 5/13/2019
(or other identifier)

Term Dates
From 5/13/2019 To: 6/13/2019

Approved: Susan H. Crandall

Applicant: Intelsat LLC
File No.: SES-STA-20181010-03042
Call Sign:



File # SES-STA-20181010-03042
Call Sign N/A Grant Date 5/13/2019
(or other identifier) Term Dates
From 5/13/2019 To: 6/13/2019
Approved: [Signature]

Intelsat License LLC is granted special temporary authority for 30 days beginning May 13, 2019 to operate its 7.3m earth station antenna in Paumalu, HI with the Carbonite-1 (CBNT-1) NGSO satellite in the 636 km x 658 km, 98.05° NGSO orbit on center frequencies: 2059.0 MHz and 2062.0 MHz (Earth-to-space) and 2240.0 MHz (space-to-Earth) under the following conditions:

1. Operations are permitted only to complete initial verification of the S-band ground station equipment **in preparation for** providing telemetry, tracking, and command ("TT&C") services to the General Atomics Orbital Test Bed ("OTB") satellite during its launch and early orbit phase ("LEOP") and in-orbit testing ("IOT") periods.
2. Operational limits are:

Antenna size (m)	Antenna Tx gain/ Rx gain	Manufacturer	Model
7.3	Tx: 40.9 <u>dBi</u> Rx 16.2 dBi @ 0.401 GHz	VIASAT	7.3 m

Frequency band (MHz)	Emission designator	Max eirp (dBW)	Max eirp density (dBW/4kHz)
2059.0, 2062.0 MHz	19K2FXD 307KFXD	34	15.4
2240	307KFXD	n/a	n/a

Satellite: Carbonite-1 (CBNT-1), licensed by the United Kingdom, in the 636 km x 658 km, 98.05° NGSO orbit.

3. Intelsat may only transmit intermittently over a 30-day period.
4. Intelsat must not transmit in 2200-2290 MHz band.
5. Intelsat agrees to accept any level of interference into this earth stations from Federal users in the band.
6. Intelsat shall, at all times, take all necessary measures to ensure that operation of this earth station does not create potential exposure of humans to radiofrequency radiation in excess of the FCC exposure limits defined in 47 CFR §§ 1.1307(b) and 1.1310. Physical measures must be taken to ensure compliance with limits for both occupational/controlled exposure and for general population/uncontrolled exposure, as defined in these rule sections. Compliance can be accomplished in most cases by appropriate restrictions, such as fencing. Requirements for restrictions can be determined by predictions based on calculations, modeling, or by field measurements. The FCC's OET Bulletin 65 (available on-line at

www.fcc.gov/oet/rfsafety) provides information on predicting exposure levels and on methods for ensuring compliance, including the use of warning and alerting signs and protective equipment for workers.

7. Grant of this authorization is without prejudice to any determination that the Commission may make regarding pending or future Intelsat applications.
8. Any action taken, or expense incurred as a result of operations pursuant to this STA is solely at Intelsat's risk.
9. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 CFR § 0.261, and is effective immediately.

2. Contact			
Name:	Cynthia J. Grady	Phone Number:	703-559-6949
Company:	Intelsat US LLC	Fax Number:	703-559-8539
Street:	7900 Tysons One Place	E-Mail:	cynthia.grady@intelsat.com
City:	McLean	State:	VA
Country:	USA	Zipcode:	22102 -
Attention:		Relationship:	Legal Counsel
(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)			
3. Reference File Number or Submission ID			
4a. Is a fee submitted with this application?			
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).			
<input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input type="radio"/> Other (please explain):			
4b. Fee Classification CGX - Fixed Satellite Transmit/Receive Earth Station			
5. Type Request			
<input type="radio"/> Use Prior to Grant <input type="radio"/> Change Station Location <input checked="" type="radio"/> Other			
6. Requested Use Prior Date			
7. City Paumalu		8. Latitude (dd mm ss.s h) 21 40 14.2 N	

9. State HI	10. Longitude (dd mm ss.s h) 158 2 7.8 W
11. Please supply any need attachments. Attachment 1: STA Request	Attachment 2: Exhibits A - C Attachment 3:
12. Description. (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)	<p>Intelsat License LLC herein requests a grant of Special Temporary Authority for 30 days, commencing October 15, 2018, to utilize a 7.3m S-band antenna located at its Paumalu, Hawaii teleport for initial verification of the S-band ground station equipment using the Carbonite-1 satellite.</p>
13. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes.	<p>Yes <input checked="" type="radio"/> No <input type="radio"/></p>
14. Name of Person Signing Cynthia J. Grady	15. Title of Person Signing Senior Counsel, Intelsat US LLC
<p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).</p>	

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.



INTELSAT.

Envision. Connect. Transform.

October 8, 2018

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

Re: Request for Special Temporary Authority
7.3m S-band Antenna, Paumalu, Hawaii

Dear Ms. Dortch:

Intelsat License LLC ("Intelsat") herein requests a grant of Special Temporary Authority ("STA")¹ for 30 days, commencing October 15, 2018, to utilize a 7.3m S-band antenna located at its Paumalu, Hawaii teleport for initial verification of the S-band ground station equipment using the Carbonite-1 ("CBNT-1") satellite.² Intelsat expects the ground station verification period to last approximately 30 days.

This testing is being performed in preparation for use of the S-band antenna to provide telemetry, tracking, and command ("TT&C") services to the General Atomics Orbital Test Bed ("OTB") satellite during its launch and early orbit phase ("LEOP") and in-orbit testing ("IOT").³ Both CBNT-1 and OTB are a low-Earth orbit ("LEO") non-geostationary orbit satellites ("NGSO"). OTB will launch as part of the U.S. Air Force's Space Technology Program (STP-2) and will carry the National Aeronautics and Space Administration's ("NASA") Deep Space Atomic Clock, the U.S. Air Force's Modular Solar Array, and other payloads.⁴ OTB is currently scheduled to launch November 30, 2018.

¹ Intelsat has filed its STA request, an FCC Form 159, a \$210.00 filing fee, and this supporting letter electronically via the International Bureau's Filing System ("IBFS").

² CBNT-1 is licensed by the United Kingdom and shares many common design features with the OTB satellite such that advance testing with the CBNT-1 satellite will help assure success of OTB's LEOP.

³ Intelsat will be separately filing a request for STA to support the OTB mission.

⁴ See http://www.ga.com/websites/ga/images/products/defense/space-systems/OTB_Satellite_DS_0818E.pdf for more information.

The CBNT-1 operations will be performed in the following frequencies: 2059.0 MHz and 2062.0 MHz in the uplink (RHCP); and 2240.0 MHz in the downlink (LHCP). The proposed operations will be coordinated with all operators of satellites that use the same frequency bands and are in the flight paths of CBNT-1.⁵ All operators of potentially affected satellites will be provided with an emergency phone number where the licensee can be reached in the event that harmful interference occurs.

The 24x7 contact information for the 7.3m S-band antenna operations is as follows:

Ph.: (703) 559-7701 – East Coast Operations Center (primary)
(310) 525-5591 – West Coast Operations Center (back-up)

Request to speak with Harry Burnham or Kevin Bell.

In further support of this request, Intelsat herewith attaches Exhibits A-C, which contain 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 commercial terrestrial facility and waiver requests.

Grant of this STA request will allow Intelsat to ensure its 7.3m S-band antenna can provide support to U.S. Government missions aboard the OTB satellite and thereby promotes the public interest.

Please direct any questions regarding this STA request to the undersigned at (703) 559-6949.

Respectfully submitted,

/s/ Cynthia J. Grady

Cynthia J. Grady
Senior Counsel
Intelsat US LLC

cc: Paul Blais

⁵ ViaSat, Intelsat's customer, will handle the coordination.

Prepared By

COMSEARCH

19700 Janelia Farm Boulevard, Ashburn, VA 20147
(703)726-5500 <http://www.comsearch.com>

Prepared For

**Intelsat License LLC
Paumalu, Hawaii**

Temporary Transmit-Only Earth Station
Operation Dates: 10/15/2018 - 12/30/2018

Pursuant to Part 25.203(c) of the FCC Rules and Regulations, the satellite earth station proposed in this application was coordinated by Comsearch using computer techniques and in accordance with Part 25 of the FCC Rules and Regulations. Verbal and written coordination was conducted with the below listed carriers on August 27, 2018.

Company

3G Wireless, LLC
AERIAL VIDEO SYSTEMS
Alascom Inc
Borgeson, Tom R.
Broadcast Sports Inc.
Casper, John
Chicago Comnet Corp
Citywide News Network, Inc.
Cowboys Stadium LP
CP Communications
DCI II, INC.
Direct Broadcast Services, Inc.
Federal Communication Commission
Frontier California Inc.
HF Enterprises, Inc
Hallco Unlimited, Inc.
Hawaii Public Television Foundation
Hawaiian Telcom, Inc.
Heiden, William
im360 Entertainment
Information & Display Systems, Inc.
Information Super Station, LLC
Interlink Network Corp
International Communications Group, Inc
International Electronic Information Services, Inc
KHNL/KGMB License Subsidiary, LLC
KITV, Inc
Loop inc
MERCURY COMMUNICATIONS
Microwave Video Systems, LLC
Moreen, Steven K
NEW ENGLAND DIGITAL DISTRIBUTION, INC.
NEXSTAR BROADCASTING, INC.

NSM Surveillance
Navajo Communications Company
Onboard Images
Pacific Bell Tel Com dba AT&T California
Pacific Television Cneter
Penn Service Microwave Co., Inc.
Plateau Telecommunications, Inc.
Plum TV, LLC
Production & Satellite Services, Inc.
REMOTE FACILITIES CONSULTING SERVICES
RF Central, LLC
RF Film, Inc
Radiofone, Inc.
Randy Hermes Production
Remote Broadcasts, Inc.
Speedshotz, Inc
TTWN Networks, LLC
Unisat, Inc.
United Telephone - Southeast
Vitec Broadcast Services, Inc
Vyvx, LLC
Westar Satellite Services LP
Winged Vision Inc
Wolfe Air Aviation

There are no unresolved interference objections with the station contained in these applications.

The following section presents the data pertinent to frequency coordination of the earth station that was circulated to all carriers within its coordination contours.

COMSEARCH

Earth Station Data Sheet

19700 Janelia Farm Boulevard, Ashburn, VA 20147
(703)726-5500 <http://www.comsearch.com>

Date: 08/27/2018
Job Number: 180827COMSGE03

Administrative Information

Status: TEMPORARY (Operation from 10/15/2018 to 12/30/2018)
Call Sign: TEMP12
Licensee Code: INTELS
Licensee Name: Intelsat License LLC

Site Information

Venue Name: PAUMALU, HI
Latitude (NAD 83): 21° 40' 14.2" N
Longitude (NAD 83): 158° 2' 7.8" W
Climate Zone: C
Rain Zone: 4
Ground Elevation (AMSL): 131.98 m / 433.0 ft

Link Information

Satellite Type: Low Earth Orbit
Mode: TO - Transmit-Only
Modulation: Digital
Minimum Elevation Angle: 5.0°
Azimuth Range: 0.0° to 360°
Antenna Centerline (AGL): 3.66 m / 12.0 ft

Antenna Information

Manufacturer: Viasat
Model: 7.3 meter
Gain / Diameter: 40.9 dBi / 7.3 m
3-dB / 15-dB Beamwidth: 1.00° / 2.00°

Max Available RF Power: (dBW/4 kHz) 15.4
(dBW/MHz) 39.4

Maximum EIRP: (dBW/4 kHz) 56.3
(dBW/MHz) 80.3

Interference Objectives: Long Term -154.0 dBW/4 kHz 20%
Short Term -131.0 dBW/4 kHz 0.0025%

Frequency Information

Emission / Frequency Range (MHz):
Transmit 2.0 GHz
19K2FXD - 307KFXD / 2059.0 - 2059.0
19K2FXD - 307KFXD / 2061.0 - 2061.0
19K2FXD - 307KFXD / 2062.0 - 2062.0
19K2FXD - 307KFXD / 2063.0 - 2063.0

Max Great Circle Coordination Distance: 293.2 km / 182.2 mi
Precipitation Scatter Contour Radius: 364.4 km / 226.4 mi

Coordination Values	PAUMALU, HI		
Licensee Name	Intelsat License LLC		
Latitude (NAD 83)	21° 40' 14.2" N		
Longitude (NAD 83)	158° 2' 7.8" W		
Ground Elevation (AMSL)	131.98 m / 433.0 ft		
Antenna Centerline (AGL)	3.66 m / 12.0 ft		
Antenna Model	Viasat 7,3 meter		
Antenna Mode	Transmit 2.0 GHz		
Interference Objectives: Long Term	-154.0 dBW/4 kHz	20%	
Short Term	-131.0 dBW/4 kHz	0.0025%	
Max Available RF Power	15.4 (dBW/4 kHz)		

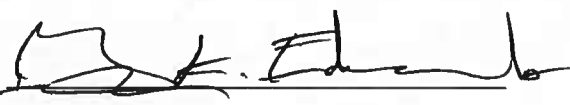
Azimuth (°)	Horizon Elevation (°)	Antenna Discrimination (°)	Transmit 2.0 GHz	
			Horizon Gain (dBi)	Coordination Distance (km)
0	0.00	72.41	4.50	293.25
5	0.00	70.74	4.50	293.25
10	0.00	69.21	4.50	293.25
15	0.00	67.83	4.50	293.25
20	0.00	66.61	4.50	293.25
25	0.00	65.58	4.50	293.25
30	0.00	64.73	4.50	293.25
35	0.00	64.09	4.50	293.25
40	0.00	63.66	4.50	293.25
45	0.00	63.44	4.50	293.25
50	0.00	63.44	4.50	293.25
55	0.00	63.65	4.50	293.25
60	0.00	64.08	4.50	293.25
65	0.00	64.73	4.50	293.25
70	0.00	65.57	4.50	293.25
75	0.00	66.60	4.50	293.25
80	0.00	67.81	4.50	293.25
85	0.00	69.19	4.50	293.25
90	0.00	70.72	4.50	293.25
95	0.00	72.39	4.50	293.25
100	0.00	74.18	4.50	293.25
105	0.00	76.07	4.50	293.25
110	0.00	78.06	4.50	293.25
115	0.00	80.13	4.50	293.25
120	0.00	82.25	4.50	293.25
125	0.00	84.43	4.50	293.25
130	0.00	86.64	4.50	293.25
135	0.00	88.87	4.50	293.25
140	0.00	91.11	4.50	293.25
145	0.00	93.34	4.50	293.25
150	0.00	95.55	4.50	293.25
155	0.00	97.72	4.50	293.25
160	0.00	99.85	4.50	293.25
165	0.00	101.92	4.50	293.25
170	0.00	103.91	4.50	293.25
175	0.00	105.80	4.50	293.25
180	0.00	107.59	4.50	293.25
185	0.00	109.26	4.50	293.25

Coordination Values	PAUMALU, HI		
Licensee Name	Intelsat License LLC		
Latitude (NAD 83)	21° 40' 14.2" N		
Longitude (NAD 83)	158° 2' 7.8" W		
Ground Elevation (AMSL)	131.98 m / 433.0 ft		
Antenna Centerline (AGL)	3.66 m / 12.0 ft		
Antenna Model	Viasat 7,3 meter		
Antenna Mode	Transmit 2.0 GHz		
Interference Objectives: Long Term	-154.0 dBW/4 kHz	20%	
Short Term	-131.0 dBW/4 kHz	0.0025%	
Max Available RF Power	15.4 (dBW/4 kHz)		

Azimuth (°)	Horizon Elevation (°)	Antenna Discrimination (°)	Transmit 2.0 GHz	
			Horizon Gain (dBi)	Coordination Distance (km)
190	0.00	110.79	4.50	293.25
195	0.00	112.17	4.50	293.25
200	0.00	113.39	4.50	293.25
205	0.00	114.42	4.50	293.25
210	0.00	115.27	4.50	293.25
215	0.00	115.91	4.50	293.25
220	0.00	116.34	4.50	293.25
225	0.00	116.56	4.50	293.25
230	0.00	116.56	4.50	293.25
235	0.00	116.35	4.50	293.25
240	0.00	115.92	4.50	293.25
245	0.00	115.27	4.50	293.25
250	0.00	114.43	4.50	293.25
255	0.00	113.40	4.50	293.25
260	0.00	112.19	4.50	293.25
265	0.00	110.81	4.50	293.25
270	0.00	109.28	4.50	293.25
275	0.00	107.61	4.50	293.25
280	0.00	105.82	4.50	293.25
285	0.00	103.93	4.50	293.25
290	0.00	101.94	4.50	293.25
295	0.00	99.87	4.50	293.25
300	0.00	97.75	4.50	293.25
305	0.00	95.57	4.50	293.25
310	0.00	93.36	4.50	293.25
315	0.00	91.13	4.50	293.25
320	0.00	88.89	4.50	293.25
325	0.00	86.66	4.50	293.25
330	0.00	84.45	4.50	293.25
335	0.00	82.28	4.50	293.25
340	0.00	80.15	4.50	293.25
345	0.00	78.08	4.50	293.25
350	0.00	76.09	4.50	293.25
355	0.00	74.20	4.50	293.25

Certification

I hereby certify that I am the technically qualified person responsible for the preparation of the frequency coordination data contained in this report. I am familiar with Parts 101 and 25 of the FCC Rules and Regulations and I have either prepared or reviewed the frequency coordination data submitted with this report, and that it is complete and correct to the best of my knowledge and belief.

BY: 

Gary K. Edwards
Senior Manager
COMSEARCH
19700 Janelia Farm Boulevard
Ashburn, VA 20147

DATED: September 25, 2018

Exhibit B

WAIVER REQUEST OF TABLE OF ALLOCATION FOR CARBONITE-1 SATELLITE

The U.S. Table of Frequency Allocations¹ allocates the 2025-2100 MHz band for Fixed, Mobile, and Federal use (including Earth Exploration-Satellite). The 2200-2290 MHz is allocated to Federal services (Space Operations, Earth Exploration-Satellite, Fixed, Mobile, and Space Research). To the extent necessary, and in order to ensure Intelsat can verify its equipment in these bands, Intelsat requests waiver of the U.S. Table of Frequency Allocations to permit its 7.3m S-band antenna in Paumalu, Hawaii to communicate with the Earth Exploration-Satellite Carbonite-1 ("CBNT-1") for the limited purpose of verification of ground station equipment.

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 Intelsat's 7.3m S-band antenna to operate in order to verify its ground station equipment.

Good cause exists to waive the Table of Allocations for 2025-2100 MHz and 2200-2290 MHz frequency bands. In November 2018, pending FCC's approval, Intelsat will use its 7.3m S-band antenna to support the launch of the General Atomics Orbital Test Bed ("OTB") satellite. The OTB satellite will carry at least two federal payloads in the 2025-2100 MHz and 2200-2290 MHz bands.⁵ The CBNT-1 test satellite shares many common design features with the OTB satellite such that advance testing of Intelsat's 7.3m S-band antenna with the CBNT-1 satellite will help assure success of the General Atomics OTB satellite's launch. Additionally, both the 2025-2100 MHz and 2200-2290 MHz bands that the Earth Exploration-Satellite CBNT-1 operates in are allocated to Federal Earth Exploration-Satellite in the United States and to Earth Exploration-Satellite in all three ITU regions.

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

¹ See 47 C.F.R. § 2.106.

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 Federal payloads include the Deep Space Atomic Clock (National Aeronautics and Space Administration) and Modular Solar Array (United States Air Force). See http://www.ga.com/websites/ga/images/products/defense/space-systems/OTB_Satellite_DS_0818E.pdf for more information.

operator accepts any interference from authorized services.”⁶ In the 2025-2100 MHz band, the 7.3m S-band antenna in Paumalu, Hawaii will only transmit intermittently over a 30-day period. Additionally, the antenna will not transmit in 2200-2290 MHz band and Intelsat agrees to accept any level of interference into this earth stations from Federal users in the band. Finally, grant of the requested waiver would be consistent with prior Commission precedent allowing for use of the 2200-2290 MHz band on a temporary basis.⁷

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. 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 See *Policy Branch Information; Actions Taken*, Report No. SES-02071, File No. SES-STA-20180530-01000 (June 20, 2018) (Public Notice); *Satellite Communications Services Information; Actions Taken*, Report No. SES-02090, File No. SES-STA-20180711-01659 (Aug. 22, 2018) (Public Notice).

Exhibit C

PETITION FOR WAIVER OF SECTIONS 25.137 AND 25.114

Pursuant to Section 25.137 of the Federal Communications Commission's ("Commission" or "FCC") rules, earth station applicants "requesting authority to communicate with a non-U.S. licensed space station" to serve the United States must demonstrate that U.S.-licensed satellite systems have effective competitive opportunities to provide analogue services in certain countries and must provide the same legal and technical information for the non-U.S.-licensed space station as required by Section 25.114 for U.S.-licensed space stations.¹ Intelsat License LLC ("Intelsat") herein seeks authority to provide testing—not commercial services—to the United States, and thus believes that Section 25.137 does not apply.²

To the extent the Commission determines, however, that Intelsat's request for authority to provide LEOP services on a special temporary basis is a request to serve the United States with a non-U.S.-licensed satellite, Intelsat respectfully requests a waiver of Sections 25.137 and 25.114 of the Commission's rules.³ 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.

In this case, good cause exists for a waiver of both Section 25.137 and Section 25.114 of the FCC's rules. With respect to Section 25.114, Intelsat seeks authority only to communicate with the Carbonite-1 ("CBNT-1") satellite to verify ground equipment prior to an upcoming LEOP mission. The information sought by Section 25.114 is not relevant to verification of ground station equipment. Moreover, Intelsat does not have—and would not easily be able to obtain—such information because Intelsat is not the operator

¹ 47 C.F.R. § 25.137.

² See *EchoStar Satellite Operating Company Application for Special Temporary Authority Related to Moving the EchoStar 6 Satellite from the 77° W.L. Orbital Location to the 96.2° W.L. Orbital Location, and to Operate at the 96.2° W.L. Orbital Location*, Order and Authorization, 28 FCC Rcd. 4229 (2013) (noting that operating TT&C earth stations in the United States with a foreign-licensed satellite does not constitute "DBS service").

³ 47 C.F.R. §§ 25.137 and 25.114.

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*, 419 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

of the CBNT-1 satellite. Intelsat has a contract with ViaSat to conduct verification testing.

The information required under Section 25.114 of the FCC's rules is not necessary to determine potential harmful interference. Intelsat will perform the all verification tests on a non-interference basis.

Because it is not relevant to the service for which Intelsat seeks authorization, and because obtaining the information would be a hardship, Intelsat seeks a waiver of all the information required by Section 25.114 of the Commission's rules. Intelsat has provided in this STA request the required technical information that is relevant to the verification services for which Intelsat seeks authorization.

Good cause also exists to waive Section 25.137 of the agency's rules. Section 25.137 is designed to ensure that "U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services" in other countries.⁷ Here, there is no service being provided by the satellite; it is simply being placed in its orbital location after separating from the launch vehicle. Thus, the purpose of Section 25.137 would not be served by applying these rules to LEOP services. For example, Section 25.137(d)(4) 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.⁸ The underlying purpose of Section 25.137(d)(4)—to provide parity between U.S.-licensed and non-U.S.-licensed commercial satellite systems in discouraging orbital location warehousing—would not be served by requiring Intelsat to post a bond to provide approximately 30 days of verification testing to the CBNT-1 satellite.

It is Intelsat's understanding that CBNT-1 is licensed by the United Kingdom, which is a WTO-member country. Thus, the purpose of Section 25.137—to ensure that U.S. satellite operators enjoy "effective competitive opportunities" to serve certain foreign markets—will not be undermined by grant of this waiver request.

Finally, Intelsat notes that it expects to operate with the CBNT-1 satellite using its U.S. earth station intermittently for a period of approximately 30 days. Requiring Intelsat to obtain copious technical and legal information from an unrelated party, where there is no risk of harmful interference and the operations will cease after approximately 30 days, would pose undue hardship without serving underlying policy objectives. Given these particular facts, the waiver sought herein is plainly appropriate.

⁷ 47 C.F.R. § 25.137(a).

⁸ See 47 C.F.R. §25.137(d)(4).