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Intelsat License LLC SES-STA-20200130-00123 IB2020000250


Approved by OMB
3060-0678

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATION Enter a description of this application to identify it on the main menu:
Request for an Additional 30 days of Special Temporary Authority to Use a 7.3m S-band Antenna in Paumalu, Hawaii to Provide TT&C for the HISPASAT 143W-1 Drift and On-station at 143 W.L.

I. Applicant

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



GRANTED
International Bureau

File # SES-STA-20200130-00123

Call Sign _____ **Grant Date** 2-19-20
(or other identifier)

Term Dates
From: 2-19-20 **To:** 3-20-20

Approved: [Signature]

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: 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.) <div style="border: 1px solid black; padding: 5px;"> <p>Intelsat License LLC herein requests an additional 30 days of Special Temporary Authority previously granted to Intelsat to utilize a 7.3m S-band antenna located at its Paumalu, Hawaii teleport to provide TT&C for the HISPASAT 143W-1 satellite during its drift to 143 W.L. and for restoration services at 143 W.L.</p> </div>	
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"; party to the application; for these purposes. <p style="text-align: center;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>	
14. Name of Person Signing Cynthia J. Grady	15. Title of Person Signing Senior Counsel, Intelsat US LLC
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).	

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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.



File # SES-STA-20200130-00123

Call Sign _____ Grant Date 2-19-20
(or other identifier)

Term Dates
From 2-19-20 To: 3-20-20

Approved: Paul E. Hines

Applicant: Intelsat License LLC
Call Sign: No Call Sign
File No.: SES-STA-20200130-00123
Special Temporary Authority ("STA")

Intelsat License LLC is granted extension of STA to continue to operate for 30 days the fixed 7.3m antenna earth station at its teleport in Paumalu, HI to provide telemetry, tracking, and command ("TT&C") services for the Spain licensed HISPASAT 143W-1 satellite during satellite's drift from 30° W to on-station at 143° W on the following center frequencies: 2072.7958 MHz (Earth-to-space) and 2251.0 MHz (space-to-Earth). Operations are authorized under the following conditions:

1. Transmit shall be on 2072.7958 MHz as frequency coordinated and shall not exceed parameters as coordinated in the STA request.
2. All operations under this grant of STA shall be on an unprotected and non-harmful interference basis. Intelsat shall not cause harmful interference to, and shall not claim protection from interference, any other lawfully operating radio communication system.
3. In the event of any harmful interference Intelsat License LLC shall cease operations immediately upon notification of such interference, and shall immediately inform the Commission, in writing, of such an event.
4. Grant of this STA is without prejudice to any determination that the Commission may make regarding pending or future Intelsat License LLC applications.
5. Intelsat License LLC 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.
6. Any action taken, or expense incurred as a result of operations pursuant to this STA is solely at Intelsat License LLC's risk.
7. Operations of this station during the period from expiration of February 7, 2020, IBFS file number SES-STA-20191218-01755, to the grant of this STA was authorized pursuant to Section 1.62 of the Commission's rules, 47 C.F.R. § 1.62.

This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.



INTELSAT.

Envision. Connect. Transform.

January 30, 2020

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

Re: Request for Extension of Special Temporary Authority
7.3 meter S-band Antenna, Paumalu, Hawaii

Dear Ms. Dortch:

IntelSat License LLC (“IntelSat”) herein requests an additional 30 days of Special Temporary Authority (“STA”)¹ previously granted to IntelSat² to utilize a 7.3 meter S-band antenna located at its Paumalu, Hawaii teleport to provide telemetry, tracking, and command (“TT&C”) services for the HISPASAT 143W-1³ satellite during its drift from 30° W.L. to 143° W.L., and for restoration services at 143° W.L. Restoration services include bi-annual testing, which will last approximately two hours per test, and TT&C services in the event that the satellite’s primary Ku-band TT&C frequencies experience an anomaly. HISPASAT 143W-1 is currently drifting to 143° W.L.

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.

² See *Satellite Communications Services Information; Actions Taken*, Report No. SES-02233, File No. SES-STA-20191218-01755 (Jan. 15, 2020) (Public Notice).

³ See *Policy Branch Information, Actions Taken*, Report No. SAT-01044, File No. SAT-PPL-20140717-00086 (Oct. 3, 2014) (Public Notice) (“*HISPASAT-1D Market Access Grant*”). HISPASAT 143W-1 was previously known as HISPASAT 30W-4 and HISPASAT-1D. IntelSat is seeking authorization to add HISPASAT 143W-1 to the Approved Space Station List. See IntelSat License LLC Petition for Declaratory Ruling to Add HISPASAT 143W-1 to the Permitted Space Station List for Ku- and S-band Operations at 143° W.L., File No. SAT-PPL-20191205-00143 (filed Dec. 5, 2019) (“*IntelSat Petition*”).

The HISPASAT 143W-1 TT&C operations will continue to be performed in the following frequencies: 2072.7958 MHz in the uplink and 2251 MHz in the downlink. The drift operations will continue to be coordinated with all operators of satellites that use the same frequency bands.⁴

The 24x7 contact information for the HISPASAT 143W-1 TT&C 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 support of this request, Intelsat respectfully requests waivers of the U.S. Table of Frequency Allocations⁵ for the 2025-2110 MHz and 2200-2290 MHz frequency bands and, to the extent necessary, Section 25.137 of the Federal Communications Commission's ("Commission") rules regarding requests for U.S. market access through non-U.S.-licensed space stations.⁶

Under Section 1.3 of the Commission's rules, the Commission has authority to waive its rules "for good cause shown."⁷ Good cause exists if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest" better than adherence to the general rule.⁸ In determining whether waiver is appropriate, the Commission should "take into account considerations of hardship, equity, or more effective implementation of overall policy."⁹

Waiver of the U.S. Table of Frequency Allocations

Good cause exists to grant waiver to allow backup TT&C to be performed in the 2025-2110 MHz and 2200-2290 MHz frequency bands. In the United States, the 2025-2110 MHz band is allocated to the Fixed Service and Mobile Service on a primary basis, while the 2200-2290 MHz band remains unallocated for commercial service. The HISPASAT 143W-1 satellite was designed with its contingency TT&C frequencies in S-band, consistent with the allocation of ITU Region 1, where the satellite previously operated. As the spacecraft is now in orbit, it is not possible to change the contingency TT&C frequencies. Moreover, use of these frequencies will be infrequent as they will

⁴ Hispasat, the manager of the HISPASAT 143W-1 drift, will handle the coordination.

⁵ See 47 C.F.R. § 2.106.

⁶ 47 C.F.R. § 25.137.

⁷ 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

⁸ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁹ *WAIT Radio*, 418 F.2d at 1159.

only be used for a portion of the satellite's drift to 143° W.L.; during bi-annual testing, which will last approximately two hours per test; and for TT&C services in the event the satellite's primary Ku-band TT&C frequencies experience an anomaly. Additionally, Intelsat will conduct TT&C operations in the 2072.7958 MHz and 2251 MHz frequencies in the United States and its territories only on a non-interference/non-protected basis.

Grant of this waiver also would be consistent with Commission 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."¹⁰ As noted above, in the 2025-2110 MHz band, the earth station will transmit for a portion of the drift and then, once on-station, only a few hours per year unless there is an anomaly on the spacecraft. In the event an anomaly occurs, all efforts will be made to immediately regain use of the Ku-band TT&C frequencies. Additionally, while using the 2251 MHz frequency, Intelsat agrees to accept interference into this earth station from Federal users in the band.¹¹

Waiver of 47 C.F.R. § 25.137

Per Section 25.137, 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 analogues 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.¹² Intelsat herein seeks authority to provide TT&C services—not commercial services—to the United States, and thus believes that Section 25.137 does

¹⁰ 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).

¹¹ The Commission previously has authorized temporary commercial use of 2200-2290 MHz on this basis. 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-02161, File No. SES-STA-20181022-03183 (May 15, 2019) (Public Notice).

¹² 47 C.F.R. § 25.137.

not apply.¹³ Furthermore, the Commission previously determined under the DISCO II framework¹⁴ that the HISPASAT 143W-1 satellite offers services in furtherance of competition in the United States at the 30° W.L. orbital location.¹⁵

However, to the extent the Commission determines that Intelsat's request for authority to provide TT&C services on a special temporary basis is a request to serve the United States with a non-U.S.-licensed satellite, good cause exists to grant waiver of Section 25.137 Commission's rules.¹⁶ Section 25.137 is designed to ensure that "U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services" in other countries. Pursuant to this STA request, there will be no service provided by the satellite; it is simply being drifted and station-kept. Thus, the purpose of Section 25.137 would not be served by applying the rule to TT&C services.

Moreover, HISPASAT 143W-1 is licensed by the Spain, which is a member country of the World Trade Organization, and the satellite has U.S. market access from its recently vacated location, 30° W.L.¹⁷ Additionally, Intelsat has a pending petition seeking authorization for HISPASAT 143W-1 to serve the United States from the 143° W.L. orbital location.¹⁸ Given these facts, 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.

In light of the particular facts described above, the waivers sought herein are plainly appropriate.

¹³ 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").

¹⁴ *Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, Report and Order, 12 FCC Rcd 24094, ¶ 39 (1997) ("DISCO II").

¹⁵ See *HISPASAT-1D Market Access Grant*.

¹⁶ Section 25.137 ALSO requires that earth station applicants "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." 47 C.F.R. § 25.137. Intelsat has provided this information in its pending petition to add HISPASAT 143W-1 to the U.S. Approved Space Station List, and incorporates the information provided in that petition by reference. See *Intelsat Petition*.

¹⁷ See *HISPASAT-1D Market Access Grant*.

¹⁸ See *Intelsat Petition*.

Ms. Marlene H. Dortch
January 30, 2020
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In further support of this request, Intelsat incorporates by reference Exhibit A of its original request,¹⁹ 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 commercial 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.

Grant of this STA extension request will allow Intelsat to ensure safe redeployment and station-keeping of the HISPASAT 143W-1 satellite and thereby promotes the public interest.

Please direct any questions regarding this STA extension 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

¹⁹ See *supra* n. 2.