



March 25, 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
Riverside, California Earth Station, Call Sign E020126**

Dear Ms. Dortch:

Intelsat License LLC (“Intelsat”) herein requests an additional 30 days of Special Temporary Authority (“STA”),¹ previously granted to Intelsat² to use its Riverside, California Earth Station, Call Sign E020126, to communicate with HISPASAT 143W-1 at 143.0° W.L. for testing. Intelsat is seeking STA to communicate with Hispasat143W-1 while Intelsat’s petition to add the satellite to the Permitted Space Station List is pending.³

The operations will continue to be performed in the following frequency bands: 14399-14435 MHz in the uplink and 11599-11635 MHz in the downlink. 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.

In support of this request, and out of an abundance of caution, Intelsat respectfully requests waiver of Section 25.137 of the Federal Communications Commission’s (“Commission”) rules, which sets forth requirements governing access to non-U.S.-licensed space stations.⁴ For the reasons set forth below, Intelsat does not believe Section 25.137 applies here, but to the extent the Commission disagrees, waiver is appropriate.

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-02247, File No. SES-STA-20200210-00138 (Mar. 4, 2020) (Public Notice).

³ 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-PDR-20191205-00143 (filed Dec. 5, 2019) (“*Intelsat Petition*”). HISPASAT 143W-1 was previously known as HISPASAT 30W-4 and HISPASAT-1D, and was granted market access at 30° W.L. 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*”).

⁴ 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 analogous 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.⁵ Intelsat herein seeks authority to use the requested antenna only to test a satellite, not to provide commercial service to the United States.⁶ Thus, similar to the provision of other noncommercial services such as TT&C,⁷ Intelsat believes that testing does not constitute the provision of service and, as such, Section 25.137 does not apply.

However, to the extent the Commission determines that Intelsat’s request for authority to use an antenna to perform testing on a special temporary basis is a request to serve the United States with a non-U.S.-licensed satellite, good cause exists to waive Section 25.137. Under Section 1.3 of the Commission’s rules, the Commission has authority to waive its rules “for good cause shown.”⁸ 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.⁹ In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”¹⁰

Intelsat already has provided the technical information required by Section 25.137 in its pending petition to add HISPASAT 143W-1 to the U.S. Permitted Space Station List, and incorporates the information provided in that petition by reference.¹¹ Further, HISPASAT 143W-1 is currently on the Permitted Space Station List for the location that the satellite recently vacated, 30° W.L.¹² 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.

⁵ 47 C.F.R. § 25.137.

⁶ As noted above, Intelsat is awaiting Commission approval to provide commercial service from this satellite at 143.0° W.L. See *Intelsat Petition*.

⁷ 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”).

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

⁹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁰ *WAIT Radio*, 418 F.2d at 1159.

¹¹ See *Intelsat Petition*.

¹² See *HISPASAT-1D Market Access Grant*.

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Grant of this STA extension request will allow Intelsat to test the HISPASAT 143W-1 satellite prior to providing service, 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