



February 15, 2021

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

Dear Ms. Dortch:

Intelsat License LLC, as debtor in possession (“Intelsat”), herein requests a grant of Special Temporary Authority (“STA”)¹ for 180 days, commencing upon grant, to utilize a 7.3m S-band antenna located at its Paumalu, Hawaii teleport to provide telemetry, tracking, and command (TT&C) restoration services (“TT&C Restoration Services”) for the EUTELSAT-139W (S3055)² satellite at 139.2° W.L. TT&C Restoration Services will include bi-annual testing, which will last approximately two hours per test, and TT&C services in the event the satellite’s primary TT&C experiences an anomaly.

The TT&C Restoration Services will be performed at the following frequencies: 2086.03 MHz in the uplink and 2265.38 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.

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 Policy Branch Information; Actions Taken*, Report No. SAT-01458, File No. SAT-PDR-20191017-00115 (Apr. 10, 2020) (Public Notice); *Eutelsat SA’s Petition for Declaratory Ruling to Modify the U.S. Market Access Grant for EUTELSAT 139 West A*, File No. SAT-PPL-20210209-00019 (filed Feb. 9, 2021) (seeking market access for additional frequency bands and beams at 139.2° W.L.). Eutelsat’s current market access grant and its pending market access petitions do not include S-band TT&C frequencies. Intelsat herein seeks authority to provide TT&C Restoration Services—not commercial services—to the United States, and thus believes that the Federal Communications Commission’s (“Commission” or “FCC”) market access rules, Section 25.137, does not apply. 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”). To the extent the Commission determines, however, that Intelsat’s instant request 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.

The 24x7 contact information for the TT&C Restoration Services 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 Exhibit A, 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.

The U.S. Table of Frequency Allocations (“Table of Allocations”) allocates the 2025-2100 MHz band for Fixed, Mobile, and Federal services and the 2200-2290 MHz to Federal services (Space Operations, Earth Exploration-Satellite, Fixed, Mobile, and Space Research).³ In order to ensure that Intelsat can provide TT&C Restoration Services in these bands, Intelsat requests waiver of the Table of Allocations to permit its 7.3m S-band antenna in Paumalu, Hawaii to communicate with EUTELSAT-139W for the limited purpose of TT&C Restoration Services.

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. As shown below, good cause exists here to grant a waiver to allow Intelsat’s 7.3m S-band antenna in Paumalu, Hawaii to provide TT&C Restoration Services for EUTELSAT-139W using two small carriers within the 2025-2100 MHz and 2200-2290 MHz bands. Additionally, the anticipated operation of these carriers will be for a few hours of testing annually, as prolonged transmission would only occur in the case of a spacecraft anomaly.

Good cause exists to waive the Table of Allocations for this limited use of a small portion of the 2025-2100 MHz and 2200-2290 MHz frequency bands. The EUTELSAT-139W 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.

³ See 47 C.F.R. § 2.106.

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

Moreover, grant of this waiver is consistent with the Commission's precedent.⁷ 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."⁸ As noted above, in the 2025-2100 MHz band, Intelsat's 7.3m S-band antenna in Paumalu, Hawaii will transmit 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. Additionally, in the 2200-2290 MHz band, Intelsat agrees to accept any level of interference into this earth station from Federal users in the band.

Finally, Intelsat understands and accepts that its STA to provide TT&C Restoration Services for EUTELSAT-139W will be conditioned as follows:

- Any future requests or extensions will need to be submitted to the FCC to be re-coordinated with the National Telecommunications and Information Administration (NTIA).
- Uplink operations from the Paumalu, Hawaii ground station to EUTELSAT-139W shall not occur when the National Aeronautics and Space Administration's ("NASA") International Space Station (ISS) (NORAD designation 25544 or international spacecraft ID 1998-067A) is within 10 degrees of the Paumalu, Hawaii ground station antenna boresight.
- Operations using 2086.03 MHz or 2265.38 MHz shall be pre-coordinated with the NASA Goddard Space Flight Center (GSFC) Spectrum Manager at least 7 days prior to operation.
- Due to potential harmful interference to naval activities, Intelsat's radio frequency operations plan shall be submitted as soon as possible to the Naval Surface Warfare Center, Dahlgren Division (NSWCDD).

Grant of this STA request will allow Intelsat to provide TT&C Restoration Services to the EUTELSAT-139W spacecraft, which will ensure safe station-keeping of the satellite and thereby promotes the public interest.

⁷ The FCC previously has authorized similar commercial use of 2025-2100 MHz and 2200-2290 MHz. See *Satellite Communications Services Information; Actions Taken*, Report No. SES-02161, File No. SES-STA-20181022-03183 (May 15, 2019) (Public Notice) (granting STA to provide restoration TT&C services to EUTELSAT-WA using three small carriers in the 2025-2100 MHz and 2200-2290 MHz frequency bands).

⁸ 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).

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

Sincerely,

/s/ Cynthia J. Grady

Cynthia J. Grady
Assistant General Counsel
Intelsat US LLC

cc: Paul Blais