

Request for Special Temporary Authorization

Pursuant to Section 25.120 of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. § 25.120, Speedcast Communications, Inc. ("Speedcast"), licensee of earth station on vessel ("ESV") blanket license Call Signs E060157 and E090176,¹ respectfully seeks a 30-day special temporary authorization ("STA") to communicate with the EUTELSAT 133 West A satellite at 132.85° W.L. The proposed area of operations will be the U.S. west coast and Pacific Ocean region using frequencies included in the satellite's market access grant² until October 23, 2022, and thereafter within the Ku-band steerable beam covering this geographic region identified in Attachment A using the 14.25-14.50 GHz (Earth-to-space, vertical polarization) and 11.45-11.70 GHz (space-to-Earth, horizontal polarization) bands. Speedcast intends to file a follow-on STA to permit these more limited operations through November 30, 2022. Additionally, in connection with this STA request, Speedcast seeks a limited waiver of the Commission's market access rules.³ Extraordinary circumstances and strong public interest consideration support grant of this STA request.

The EUTELSAT 133 West A satellite has provided service to the U.S. market for several years pursuant to the EUTELSAT 133 West A Market Access Grant. This grant includes a condition that it will terminate "thirty days before the Galaxy 15R space station *commences operations* in the 10.95-11.20 GHz, 11.45-11.7 GHz, and 13.75-14.50 GHz at the 133.0° W.L.

¹ See File No. SES-RWL-20210715-01052, Call Sign E060157 (granted Aug. 23, 2021); *see also* SES-MOD-20151210-00928, Call Sign E090176 (granted Feb. 25, 2016). Speedcast is filing the same STA request narrative in each of the foregoing license dockets. Speedcast also understands that a companion STA request is being filed by its teleport services provider, Comsat, Inc.

² See File No. SAT-MPL-20180908-00068, Call Sign S3031 (granted Feb. 14, 2019) ("EUTELSAT 133 West A Market Access Grant"). Speedcast hereby incorporates by reference all regulatory and technical information filed in support of the EUTELSAT 133 West A Market Access Grant.

³ See 47 C.F.R. § 25.137.

orbital location.”⁴ Galaxy 15R, now named Galaxy 33, is scheduled to be launched on October 5, 2022, and is expected to commence operations on November 1, 2022.⁵

Speedcast understands that Eutelsat S.A. (“Eutelsat”), the operator of EUTELSAT 133 West A, and Intelsat License LLC (“Intelsat”), the operator of Galaxy 33, recently reached an operational agreement that, together with Commission approval of this STA and associated waiver request, would allow the EUTELSAT 133 West A satellite to temporarily communicate with earth stations associated with ESV blanket license Call Signs E060157 and E090176 as described above.⁶ The agreement between Eutelsat and Intelsat is consistent with the Commission goals of cooperation and coordination among satellite operators, as well as maximizing the availability of satellite services to the United States. Speedcast understands that Eutelsat intends to surrender the EUTELSAT 133 West A Market Access Grant shortly after the requested STA expires.

Grant of this STA request will further the public interest by permitting Speedcast’s authorized ESVs to temporarily continue to communicate with EUTELSAT 133 West A before Intelsat commences its own operations on the subject spectrum at the 133° W.L. orbit location. It will also allow the continued utilization of valuable orbital and spectrum resources rather than having them lie fallow during the transition to Galaxy 33 operations at 133° W.L.

⁴ See EUTELSAT 133 West A Market Access Grant at Condition 2 (emphasis added).

⁵ Speedcast notes there is inherent uncertainty regarding the future date on which Galaxy 33 *actually commences operations*, and thus the parallel uncertainty of the timing of termination of EUTELSAT 133 West A’s market access authority in relevant bands. Given the circular *ex ante* language of Condition 2 and consistent with its broad regulatory discretion, the Commission may choose to link the termination of market access authority in relevant bands directly to the actual commencement of Galaxy 33 operations (rather than the inherently unknowable date 30 days prior to an uncertain future event). In such case, this STA and associated waiver request presumably need not be acted upon.

⁶ Speedcast anticipates that Eutelsat and Intelsat will separately confirm that they have entered such an operational agreement.

Grant of the STA request is supported by the agreement between Eutelsat and Intelsat permitting EUTELSAT 133 West A to continue to communicate for a brief additional period with Speedcast earth stations as described herein. Additionally, given the uncertainty resulting from the circular *ex ante* nature of Condition 2 of the EUTELSAT 133 West A Market Access Grant,⁷ Speedcast respectfully suggests that any near-term grant of the requested STA would be effective and timely.⁸

The requested STA is also supported by extraordinary circumstances, including important continuity of service needs and the agreement between Eutelsat and Intelsat that could not have been foreseen by the Commission or Speedcast. Additionally, in the unique circumstances presented here (brief authority enabling EUTELSAT 133 West A to continue to support important maritime operations), the requested STA constitutes the most appropriate administrative mechanism to afford such limited authority.

Finally, out of an abundance of caution and given the uncertainty associated with Condition 2 of the EUTELSAT 133 West A Market Access Grant, Speedcast also requests a limited waiver of Section 25.137 of the Commission's rules because the requested STA is outside the usual and ordinary foreign satellite market access process contemplated therein. The Commission may waive any of its rules for "good cause" shown.⁹ In general, waiver is appropriate if (i) special circumstances warrant a deviation from the general rule; and (ii) such deviation would better serve

⁷ See, *supra*, n. 5.

⁸ Speedcast also notes that recent guidance received from the Commission, compounded by errors in experienced with the electronic International Bureau Filing System, prevented earlier submission of this STA request. Such circumstances constitute extraordinary reasons for the delay in submitting the STA request which could not have been earlier foreseen. See 47 C.F.R. § 25.120(a).

⁹ See 47 C.F.R. § 1.3; *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

the public interest than would strict adherence to the rule.¹⁰ Special circumstances justify grant of the requested waiver and grant will not undermine the policy objectives of the rules and otherwise will be consistent with the public interest.

Special circumstances and good cause support the requested waiver, including the agreement between Eutelsat and Intelsat, maximizing the availability of satellite services to U.S. consumers, and enabling the continued utilization of valuable orbital and spectrum resources rather than having them lie fallow. In addition, because the Commission already has fully evaluated EUTELSAT 133 West A's operations and permitted the satellite to communicate with U.S. earth stations under Section 25.137, the limited extension of operations proposed herein would better serve the public interest and would not undermine the purposes of the rule.

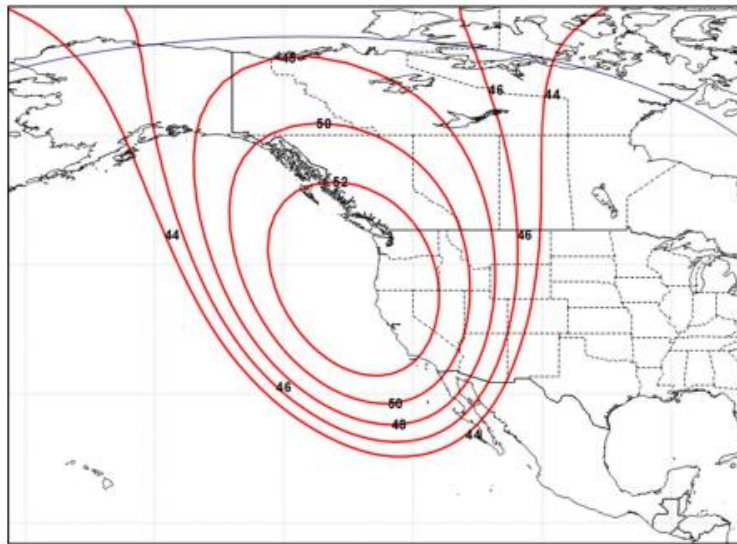
In view of the foregoing, Speedcast respectfully requests grant of the requested STA and waiver, as appropriate, at the earliest practicable time.

¹⁰ See *Northeast Cellular*, 897 F.2d at 1166; see also *WAIT Radio*, 418 F.2d at 1157.

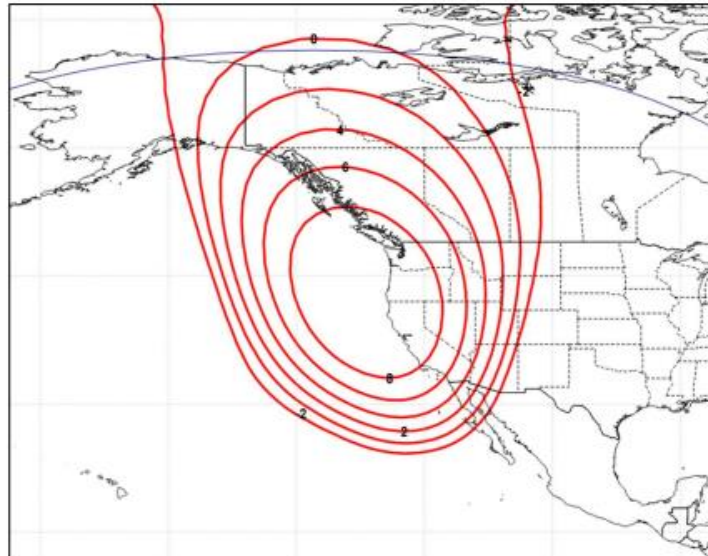
ATTACHMENT A

Geographic Scope of Earth Station Operations¹

Through October 23, 2022, Speedcast's maritime earth stations will communicate with EUTELSAT 133 West A using permissible bands and beams. After October 23, 2022, Speedcast's maritime earth stations will communicate with the EUTELSAT 133 West A satellite in the bands identified herein and the Steerable 1 beams (downlink and uplink) identified below:



E133WA – Steerable 1 beam – Downlink coverage (EIRP in dBW)



E133WA – Steerable 1 beam – Uplink coverage (G/T in dB/K)

¹ U.S. west coast and Pacific Ocean region geographic areas are approximate.