

ATTACHMENT A

Request for Special Temporary Authorization

Pursuant to Section 25.120 of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. § 25.120, COMSAT, Inc. ("COMSAT"), operator of a 7.3m earth station at its Santa Paula, California teleport facility and included license Call Sign E930320 (identified therein as the SAPA40Ku antenna),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 earth station will operate using frequencies included in the satellite's market access grant² until October 23, 2022, and thereafter only using the 14.25-14.50 GHz (Earth-to-space, vertical polarization) and 11.45-11.70 GHz (space-to-Earth, horizontal polarization) bands, to support maritime earth station operations in the Pacific Ocean region conducted by COMSAT's customer, Speedcast Communications, Inc. ("Speedcast").³ COMSAT intends to file a follow-on STA to permit these more limited operations through November 30, 2022. Additionally, in connection with this STA request, COMSAT seeks a limited waiver of the Commission's market access rules.⁴ 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-MFS-20191010-01282, Call Sign E930320 (granted Oct. 21, 2020).

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

³ COMSAT understands that Speedcast is filing companion STA requests for authority to conduct these maritime operations.

⁴ See 47 C.F.R. § 25.137.

orbital location.”⁵ Galaxy 15R, now named Galaxy 33, is scheduled to be launched on October 5, 2022, and is expected to commence operations on November 1, 2022.⁶

COMSAT 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 the COMSAT earth station identified above.⁷ 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. COMSAT 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 COMSAT to support temporarily Speedcast’s maritime earth station operations 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.

⁵ See EUTELSAT 133 West A Market Access Grant at Condition 2 (emphasis added).

⁶ COMSAT 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.

⁷ COMSAT 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 the COMSAT earth station 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,⁸ COMSAT respectfully suggests that any near-term grant of the requested STA would be effective and timely.⁹

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 COMSAT. 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, COMSAT 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.¹⁰ In general, waiver is appropriate if (i) special circumstances warrant a deviation from the general rule; and (ii) such deviation would better serve

⁸ See, *supra*, n. 6.

⁹ COMSAT 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).

¹⁰ 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.¹¹ 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. earth station operators and their customers, 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, COMSAT respectfully requests grant of the requested STA and waiver, as appropriate, at the earliest practicable time.

¹¹ See *Northeast Cellular*, 897 F.2d at 1166; see also *WAIT Radio*, 418 F.2d at 1157.