

Exhibit B

WAIVER REQUEST OF TABLE OF ALLOCATION FOR GENERAL ATOMICS ORBITAL TEST BED SATELLITE

The U.S. Table of Frequency Allocations¹ allocates the 2025-2100 MHz band for Fixed, Mobile, and Federal use. The 2200-2290 MHz is allocated to Federal services (Space Operations, Earth Exploration-Satellite, Fixed, Mobile, and Space Research). To the extent necessary, Intelsat seeks waiver to permit its 7.3m S-band antenna in Paumalu, Hawaii to communicate with the General Atomics Orbital Test Bed (“OTB”) satellite during its launch and early orbit phase (“LEOP”) and during in-orbit testing (“IOT”).

The Commission may grant a waiver for good cause shown.² The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.³ 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.⁴ 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 allowing Intelsat’s 7.3m S-band antenna to provide telemetry, tracking, and control (“TT&C”) services to the OTB satellite using frequencies in the 2025-2100 MHz and 2200-2290 MHz bands.

Good cause exists to waive the Table of Allocations for 2025-2100 MHz and 2200-2290 MHz frequency bands. Intelsat seeks to use its 7.3m S-band antenna to support the launch and early orbit phase (“LEOP”) and TT&C during in-orbit testing of the OTB satellite. OTB will launch as part of the U.S. Air Force’s Space Technology Program (STP-2) and will carry the National Aeronautics and Space Administration’s Deep Space Atomic Clock, the U.S. Air Force’s Modular Solar Array, and other payloads.⁵ To support the mission Intelsat’s antenna will be utilized for TT&C passes 1-4 times per day ranging from 8-10 minutes in duration each at times when the OTB satellite is visible to Intelsat’s antenna to safely place OTB in non-geostationary orbit and TT&C the spacecraft during IOT for approximately 75 days.

Moreover, grant of this waiver is consistent with the Commission’s 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

¹ See 47 C.F.R. § 2.106.

² 47 C.F.R. §1.3.

³ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁵ See http://www.ga.com/websites/ga/images/products/defense/space-systems/OTB_Satellite_DS_0818E.pdf for more information.

operator accepts any interference from authorized services.”⁶ In the 2025-2100 MHz band, the 7.3m S-band antenna in Paumalu, Hawaii antenna will only transmit intermittently over a 75-day period. Additionally, the antenna will not transmit in 2200-2290 MHz band and Intelsat agrees to accept any level of interference into this earth stations from Federal users in the band. Finally, grant of the requested waiver in the would be consistent with prior Commission precedent allowing for use of the 2200-2290 MHz band on a temporary basis.⁷

⁶ 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).

⁷ 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-02090, File No. SES-STA-20180711-01659 (Aug. 22, 2018) (Public Notice).