

April 22, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Request for Special Temporary Authority
Mountainside, Maryland Earth Station; Call Sign E110120
Expedited Treatment Requested

Dear Ms. Dortch:

IntelSat License LLC (“IntelSat”), herein requests expedited Special Temporary Authority (“STA”)¹ for 30 days beginning immediately to use its Mountainside, Maryland Ku-band earth station (Call Sign E110120) to provide customer restoration services for customers affected by the IntelSat 29e satellite (Call Sign S2913) anomaly.² The proposed communications operations will be performed in the 13750-14000 MHz frequency band with the Telstar 14R satellite (S2821).³

In support of this request, IntelSat hereby 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 terrestrial facility. 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 (“IBFS”).

² *See Policy Branch Information; Actions Taken*, Report No. SAT-01233, File No. SAT-MOD-20170131-00010 (Apr. 21, 2017) (Public Notice).

³ Telstar 14R is also known as Estrela do Sul 2 and is authorized to communicate with U.S. earth stations. *See* <https://www.fcc.gov/approved-space-station-list>.

To the extent necessary, Intelsat requests a waiver of 47 C.F.R. §§ 2.106, Footnote US337 and 25.120(a) of the Federal Communications Commission's ("FCC" or "Commission") rules. Section 2.106, Footnote US337 requires National Telecommunications and Information Administration ("NTIA") coordination;⁴ and 25.120(a) requires an STA request to be received by the Commission at least three working days prior the start of proposed operations.⁵

Grant of this STA request is in the public interest. The Commission may grant a waiver for good cause shown.⁶ The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.⁷ 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.⁸ Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

Good cause exists in this case based on hardship. Due to the sudden and unexplained anomalies on the Intelsat 29e satellite, Intelsat has had to restore customers who were previously provided service on Intelsat 29e with capacity on other satellites. Intelsat seeks the requested waiver to be able to restore customer capacity as soon as possible. At its Mountainside teleport, Intelsat currently operates other Ku-band antennas in the 13750-14000 MHz frequency band at similar or higher powers, all of which have been coordinated with NTIA.⁹ Intelsat confirms that it will operate E110120 at power levels at or below power levels previously coordinated for these other antennas for the 13750-14000 MHz frequency band. As such, there should be no risk of interference to the U.S. Navy or NASA sites from the proposed operations of E110120. Additionally, Intelsat is unable to comply with the requirements of §§ 25.120(a) and of the Commission's rules because of the urgent need to restore customers.

⁴ 47 C.F.R. § 2.106, Footnote US337.

⁵ 47 C.F.R. § 25.120(a).

⁶ 47 C.F.R. § 1.3.

⁷ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

⁸ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁹ See e.g., *Satellite Communications Services Information; Actions Taken*, Report No. SES-01993, File No. SES-MOD-20170725-00802 (Sep. 20, 2017) (Public Notice); *Satellite Communications Services Information; Actions Taken*, Report No. SES-02128, File No. SES-MOD-20180611-01386 (Dec. 26, 2018) (Public Notice).

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For the reasons set forth herein, Intelsat respectfully requests that the Commission expeditiously grant this STA request. Please direct any questions regarding this STA 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
Stephen Duall