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December 18, 2019

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

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

Dear Ms. Dortch:

Intelsat License LLC ("Intelsat") herein requests a grant of Special Temporary Authority ("STA")[1] for 30 days, commencing January 6, 2020, to utilize a 7.3 meter S-band antenna located at its Paumalu, Hawaii teleport to provide telemetry, tracking, and command ("TT&C") services for the HISPASAT 143W-1[2] satellite during its drift from 30° W.L. to 143° W.L., and for restoration services at 143° W.L. Restoration services include bi-annual testing, which will last approximately two hours per test, and TT&C services in the event that the satellite's primary Ku-band TT&C frequencies experience an anomaly. HISPASAT 143W-1 is currently drifting to 143° W.L. and should be visible from Paumalu, Hawaii by January 6, 2020.

The HISPASAT 143W-1 TT&C operations will be performed in the following frequencies: 2072.7958 MHz in the uplink and 2251 MHz in the downlink. The drift operations will be coordinated with all operators of satellites that use the same frequency bands.[3]

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[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-01044, File No. SAT-PPL-20140717-00086 (Oct. 3, 2014) (Public Notice) ("*HISPASAT-1D Market Access Grant*"). HISPASAT 143W-1 was previously known as HISPASAT 30W-4 and HISPASAT-1D. Intelsat is seeking authorization to add HISPASAT 143W-1 to the Approved Space Station List. *See* Intelsat License LLC Petition for Declaratory Ruling to Add HISPASAT 143W-1 to the Permitted Space Station List for Ku- and S-band Operations at 143° W.L., File No. SAT-PPL-20191205-00143 (filed Dec. 5, 2019) ("*Intelsat Petition*").

[3] Hispasat, the manager of the HISPASAT 143W-1 drift, will handle the coordination.

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The 24x7 contact information for the HISPASAT 143W-1 TT&C operations 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 support of this request, Intelsat respectfully requests waivers of the U.S. Table of Frequency Allocations[4] for the 2025-2110 MHz and 2200-2290 MHz frequency bands and, to the extent necessary, Section 25.137 of the Federal Communications Commission's ("Commission") rules regarding requests for U.S. market access through non-U.S.-licensed space stations.[5]

Under Section 1.3 of the Commission's rules, the Commission has authority to waive its rules "for good cause shown."[6] Good cause exists if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest" better than adherence to the general rule.[7] In determining whether waiver is appropriate, the Commission should "take into account considerations of hardship, equity, or more effective implementation of overall policy."[8]

Waiver of the U.S. Table of Frequency Allocations

Good cause exists to grant waiver to allow backup TT&C to be performed in the 2025-2110 MHz and 2200-2290 MHz frequency bands. In the United States, the 2025-2110 MHz band is allocated to the Fixed Service and Mobile Service on a primary basis, while the 2200-2290 MHz band remains unallocated for commercial service. The HISPASAT 143W-1 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. Moreover, use of these frequencies will be infrequent as they will only be used for a portion of the satellite's drift to 143° W.L.; during bi-annual testing, which will last approximately two hours per test; and for TT&C services in the event the satellite's primary Ku-band TT&C frequencies experience an anomaly. Additionally, Intelsat will conduct TT&C operations in the 2072.7958 MHz and 2251 MHz frequencies in the United States and its territories only on a non-interference/non-protected basis.

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[4] *See* 47 C.F.R. § 2.106.

[5] 47 C.F.R. § 25.137.

[6] 47 C.F.R. § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

[7] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

[8] *WAIT Radio*, 418 F.2d at 1159.

Grant of this waiver also would be consistent with Commission 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 operator accepts any interference from authorized services."[9] As noted above, in the 2025-2110 MHz band, the earth station will transmit for a portion of the drift and then, once on-station, 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 frequencies. Additionally, while using the 2251 MHz frequency, Intelsat agrees to accept interference into this earth station from Federal users in the band.[10]

Waiver of 47 C.F.R. § 25.137

Per Section 25.137, earth station applicants "requesting authority to communicate with a non-U.S. licensed space station" to serve the United States must demonstrate that U.S.-licensed satellite systems have effective competitive opportunities to provide analogues services in certain countries and must provide the same legal and technical information for the non-U.S.-licensed space station as required by Section 25.114 for U.S.-licensed space stations.[11] Intelsat herein seeks authority to provide TT&C services—not commercial services—to the United States, and thus believes that Section 25.137 does

[9] *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).

[10] The Commission previously has authorized temporary commercial use of 2200-2290 MHz on this basis. *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-02161, File. No. SES-STA-20181022-03183 (May 15, 2019) (Public Notice).

[11] 47 C.F.R. § 25.137.

not apply.[12] Furthermore, the Commission previously determined under the DISCO II framework[13] that the HISPASAT 143W-1 satellite offers services in furtherance of competition in the United States at the 30º W.L. orbital location.[14]

However, to the extent the Commission determines that Intelsat's request for authority to provide TT&C services on a special temporary basis is a request to serve the United States with a non-U.S.-licensed satellite, good cause exists to grant waiver of Section 25.137 Commission's rules.[15] Section 25.137 is designed to ensure that "U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services" in other countries. Pursuant to this STA request, there will be no service provided by the satellite; it is simply being drifted and station-kept. Thus, the purpose of Section 25.137 would not be served by applying the rule to TT&C services.

Moreover, HISPASAT 143W-1 is licensed by the Spain, which is a member country of the World Trade Organization, and the satellite has U.S. market access from its recently vacated location, 30° W.L.[16] Additionally, Intelsat has a pending petition seeking authorization for HISPASAT 143W-1 to serve the United States from the 143º W.L. orbital location.[17] Given these facts, the purpose of Section 25.137, to ensure that U.S. satellite operators enjoy "effective competitive opportunities" to serve certain foreign markets, will not be undermined by grant of this waiver request.

In light of the particular facts described above, the waivers sought herein are plainly appropriate.

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[12] *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 96.2º 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").

[13] *Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, Report and Order, 12 FCC Rcd 24094, ¶ 39 (1997) ("*DISCO II*").

[14] *See HISPASAT-1D Market Access Grant.*

[15] Section 25.137 ALSO requires that earth station applicants "provide the same legal and technical information for the non-U.S.-licensed space station as required by Section 25.114 for U.S.-licensed space stations." 47 C.F.R. § 25.137. Intelsat has provided this information in its pending petition to add HISPASAT 143W-1 to the U.S. Approved Space Station List, and incorporates the information provided in that petition by reference. *See Intelsat Petition*.

[16] *See HISPASAT-1D Market Access Grant.*

[17] *See Intelsat Petition.*

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. 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.

Grant of this STA request will allow Intelsat to ensure safe redeployment and station-keeping of the HISPASAT 143W-1 satellite and thereby promotes the public interest.

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

Respectfully submitted,

/s/ Cynthia J. Grady

Cynthia J. Grady
Regulatory Counsel
Intelsat US LLC

cc: Paul Blais