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January 30, 2020

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

Re: Request for Extension of Special Temporary Authority
Castle Rock, Colorado Earth Station KL92

Dear Ms. Dortch:

Intelsat License LLC (“Intelsat”) herein requests an additional 30 days of Special Temporary Authority (“STA”)¹ previously granted to Intelsat² to use its Castle Rock, Colorado Ku-band earth station (Call Sign KL92) to provide telemetry, tracking, and command (“TT&C”) services for HISPASAT 143W-1³ during the satellite’s drift to, and on-station at 143° W.L. HISPASAT 143W-1 is currently drifting from 30° W.L. to 143° W.L. Intelsat will be seeking permanent authority for KL92 to provide TT&C services to HISPASAT 143W-1 at 143° W.L.

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.

² See *Satellite Communications Services Information; Actions Taken*, Report No. SES-02235, File No. SES-STA-20191218-01758 (Jan. 22, 2020) (Public Notice).

³ 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*”).

HISPASAT 143W-1 TT&C operations will continue to be performed in the following center frequencies: 14498.7 MHz in the uplink and 12749.75 MHz in the downlink. The drift operations will continue to be coordinated with all operators of satellites that use the same frequency bands and are in the drift path.⁴

The 24x7 contact information for the drift of HISPASAT 143W-1 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 Allocations⁵ for the 12.7-12.75 GHz frequency band 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.⁶

Under Section 1.3 of the Commission’s rules, the Commission has authority to waive its rules “for good cause shown.”⁷ 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.⁸ In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”⁹

Waiver of the U.S. Table of Frequency Allocations

Good cause exists to grant waiver to allow downlink operations in the 12.7-12.75 GHz frequency band. While this band is allocated for Fixed Satellite Service use in the United States, the allocation is for Earth-to-space transmissions. The HISPASAT 143W-1 satellite is designed with its telemetry at 12749.75 MHz, as is consistent with the FSS allocation of ITU Region 1, where the satellite previously operated. As the spacecraft is now in orbit, it is not possible to change the telemetry

⁴ Hispasat, the manager of the HISPASAT 143W-1 drift, will handle the coordination.

⁵ See 47 C.F.R. § 2.106.

⁶ 47 C.F.R. § 25.137.

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

⁸ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁹ *WAIT Radio*, 418 F.2d at 1159.

frequency. Further, Intelsat will conduct telemetry operations in the United States and its territories only on a non-interference/non-protected basis.

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 analogous 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.¹⁰ Intelsat herein seeks authority to provide TT&C services—not commercial services—to the United States, and thus believes that Section 25.137 does not apply.¹¹ Furthermore, the Commission previously determined under the DISCO II framework¹² that the HISPASAT 143W-1 satellite offers services in furtherance of competition in the United States at the 30° W.L. orbital location.¹³

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.¹⁴ 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 being 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 these rules to TT&C services.

¹⁰ 47 C.F.R. § 25.137.

¹¹ 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 96.2° 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”).

¹² *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”).

¹³ See *HISPASAT 143W-1 Market Access Grant*.

¹⁴ 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*.

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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.¹⁵ Additionally, Intelsat has a pending petition seeking authorization for HISPASAT 143W-1 to serve the United States from the 143° W.L. orbital location.¹⁶ 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.

In further support of this request, Intelsat incorporates by reference Exhibit A of its original request,¹⁷ 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 extension 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 extension 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

¹⁵ See *HISPASAT-1D Market Access Grant*.

¹⁶ See *Intelsat Petition*.

¹⁷ See *supra* n. 2.