

**Exhibit C**  
**PETITION FOR WAIVER OF SECTION 25.137 AND 25.114 AND OF**  
**THE U.S. TABLE OF FREQUENCY ALLOCATIONS**

**I. TO THE EXTENT THEY APPLY, GOOD CAUSE EXISTS FOR A WAIVER OF CERTAIN PORTIONS OF SECTIONS 25.137 AND 25.114**

Universal Space Network, Inc. (USN) is provided limited legal and technical information for the Cosmo-SkyMed1 (CSG-1) Satellite.<sup>1</sup> Pursuant to Section 25.137 of the Federal Communications Commission's ("Commission" or "FCC") rules, the same technical information required by Section 25.114 for U.S.-licensed space station, and certain legal information, must be submitted by earth station applicants "requesting authority to operate with a non-U.S. licensed space station to serve the United States..."<sup>2</sup> USN seeks authority to support testing using CSG-1 for certification of ground station in preparation for the Launch and Early Orbit (LEOP) support of Cosmo-SkyMed2 in May 2021, not commercial service to the United States, and thus believes that Section 25.137 does not apply.

To the extent the Commission determines, however, that USN's request for authority to provide pre-LEOP on a special temporary basis is a request to serve the United States with a non-U.S.-licensed satellite, USN respectfully requests a waiver of Sections 25.137 and 25.114 of the Commission's rules, to the extent that USN has not herein provided the information required by these rules.<sup>3</sup> The Commission may grant a waiver for good cause shown.<sup>4</sup> A waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

In this case, good cause for a waiver of portions of Section 25.114 exists. USN seeks authority only to conduct pre-LEOP testing using Cosmo-SkyMed1. Thus, any information sought by Section 25.114 that is not relevant to the LEOP – e.g., antenna patterns, energy and propulsion and orbital debris - USN does not have. In addition, USN would not easily be able to obtain such information because USN is not the operator of the Cosmo-SkyMed1 satellite, nor is USN in contractual privity with that operator. Rather, USN has contracted with Swedish Space Corporation, Solna Sweden (SSC) to support the pre-LEOP in S-band receive-only of the Cosmo-SkyMed1 satellite.

As this request is receive only no Comsearch was conducted. Moreover, as with any STA, USN will conduct the test on an unprotected, non-interference basis to government operations.

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<sup>1</sup> FCC Form 312 Section B

<sup>2</sup> 47 C.F.R. § 25.137(a)

<sup>3</sup> 47 C.F.R. §§25.137 and 25.114

<sup>4</sup> 47 C.F.R. §1.3

Because it is not relevant to the service for which USN seeks authorization, and because obtaining the information would be a hardship, USN seeks a waiver of all the technical and legal information required by Section 25.114, to the extent it is not provided herein. As noted above, USN has provided the required information to the extent that it is relevant to the pre-LEOP service for which USN seeks authorization.

Good cause also exists to waive portions of Section 25.137, to the extent the information required is not herein provided. Section 25.137 is designed to ensure that “U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services” in other countries. Here, there is no service being provided by the satellite; USN is providing receive only telemetry for certification of the ground station for the upcoming LEOP support of the Cosmo-SkyMed2 launch in May 2021. Thus, the purpose of the information required by Section 25.137 is not implicated here.

It is USN’s understanding that Cosmo-SkyMed1 is licensed by ESA (European Space Agency). Cosmo-SkyMed1 is the sixth of the series spacecraft meant to serve the EU. Thus, the purpose of Section 25.137 – to ensure that U.S. satellite operators enjoy “effective competitive opportunities” to serve foreign markets and to prevent warehousing of orbital locations service the United States – will not be undermined by grant of this waiver request.

Finally, USN notes that it expects to communicate with the Cosmo-SkyMed1 satellite using its U.S. earth station for a period of 30 days. Requiring USN to obtain technical and legal information from an unrelated party, where there is no risk of interference and the operation will cease within 30 days would pose undue hardship without serving underlying policy objectives. Given these particular facts, the waiver sought herein is appropriate.

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<sup>5</sup> 47 C.F.R. §25.137(d)(4)

## **II. GOOD CAUSE EXISTS FOR A WAIVER OF THE UNITED STATES TABLE OF FREQUENCY ALLOCATIONS**

USN further requests a waiver of the United States Table of Frequency Allocations ("U.S. Table") as described in section 2.106 of the rules for the frequency bands 2025 – 2110 MHz (Earth-to-Space) and 2200 – 2290 MHz (Space-to-Earth).<sup>6</sup> Section footnotes allow for non-federal Government use of these bands in the United States on a case-by-case non-interference basis. Such use by USN necessitates a waiver of the U.S. Table.

Good cause exists to grant USN a limited waiver of the U.S. Table to allow pre-LEOP support of the Cosmo-SkyMed1 satellite. In considering request for case-by-case spectrum uses, the Commission has indicated that it would generally grant such waivers "where there is little potential for interference into any service authorized under the Table of Frequency Allocations and when the case-by-case operator accepts any interference from authorized services."<sup>7</sup> USN will coordinate with other parties operating communication systems in compliance with the Table of Frequency Allocations to ensure that no harmful interference is caused. USN seeks to operate only pursuant to special temporary authorization and thus agrees to accept any interference from authorized services. In summary, USN's operation on a non-interference, non-protected basis support waiver of the U.S. Table.

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<sup>6</sup> 47 C.F.R. §2.106

<sup>7</sup> Previously approved STA's for Universal Space Network SES-STA-20020725-01174; SES-STA-20021112-02008; SES-STA-20040315-00475