

**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 Chandrayaan-2 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 a critical event during a lunar eclipse TT&C for the Chandrayaan-2 spacecraft currently orbiting the Moon, and 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 critical spacecraft risk mitigation support 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. The US public interest is supported by the sharing of collected data with the NASA Artemis program.

In this case, good cause for a waiver of portions of Section 25.114 exists. USN seeks authority to conduct data collection testing support for Chandrayaan-2. Thus, any information sought by Section 25.114 that is not relevant to the critical support – 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 Chandrayaan-2 satellite, nor is USN in contractual privity with that operator. Rather, USN has contracted with Swedish Space Corporation, Solona Sweden (SSC) to support the eclipse event in S-Band of the Chandrayaan-2 satellite.

A Comsearch report has been initiated but will not likely be delivered in time for the use of this STA, and thus a waiver to deliver after the fact will be requested. USN has directly coordinated with the SBE and has approval for this event. 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 testing 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 commercial service being provided by the satellite; USN is providing receive only data collection while the satellite is orbiting the Moon. Thus, the purpose of the information required by Section 25.137 is not implicated here. For example, Section 25.137(d) requires earth station applicants requesting authority to operate with a non-U.S.-licensed space station that is not in orbit and operating to post a bond.<sup>5</sup> The underlying purpose in having to post a bond – i.e., to prevent warehousing of orbital locations by operators seeking to serve the United States – would not be served by requiring USN to post a bond in order to conduct the 8 days critical support of the Chandrayaan-2 satellite.

It is USN’s understanding that Chandrayaan-2 is licensed by ISRO of the country of India. Chandrayaan-2 is spacecraft meant to serve India, with data shared in preparation for future lunar bases by the US. 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 Chandrayaan-2 satellite using its U.S. earth station for a period of 8 days. Requiring USN to obtain technical and legal information from an unrelated party, where there is no risk of interference. Given these particular facts, the waiver sought herein is appropriate.

## **II. TO THE EXTENT THEY APPLY, GOOD CAUSE EXISTS FOR A WAIVER OF FREQUENCY COORDINATION**

Universal Space Network, Inc. (USN) has been asked to provide support for a critical spacecraft TT&C during a lunar eclipse that will occur on May 26<sup>th</sup>, 2021 . The spacecraft will have very limited power and thus is at risk if no communications can be provided. USN does not have the required 30 days to obtain a frequency coordination for this support, but has initiated the coordination with Comsearch and will submit such when the report becomes available. USN has successfully coordinated with the SBE for this effort, and thus thinks it is low risk of interference.

### III. 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 critical support for the Chandrayaan-2 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>5</sup> 47 C.F.R. §25.137(d)(4)

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<sup>6</sup> 47 C.F.R. §2.106

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