

EXHIBIT A

PETITION FOR WAIVER OF SECTIONS 25.137 AND 25.114

Pursuant to Section 25.137 of the Federal Communications Commission's ("Commission" or "FCC") rules, 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 analogue 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.¹ Intelsat License LLC ("Intelsat") herein seeks authority to provide telemetry, tracking, and command ("TT&C") services—not commercial services—to the United States, and thus believes that Section 25.137 does not apply.² The Commission previously granted Intelsat authority to provide TT&C for a 2020 drift of HYLAS-1.³

To the extent the Commission determines, however, 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, Intelsat respectfully requests a waiver of Sections 25.137 and 25.114 of the Commission's rules.⁴ The Commission may grant a waiver for good cause shown.⁵ The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.⁶ 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.⁷ Waiver is

¹ 47 C.F.R. § 25.137.

² 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").

³ See, e.g., *Satellite Communications Services Information; Actions Taken*, Report No. SES-02250, File No. SES-STA-20200312-00241 (Mar. 18, 2020); see also *Satellite Communications Services Information; Actions Taken*, Report No. SES-02252, File No. SES-STA-20200312-00240 (Mar. 25, 2020) (Public Notice) (in these applications Intelsat sought a similar waiver to the instant request to support a different redeployment; the Commission granted these applications without addressing Intelsat's waiver request.)

⁴ 47 C.F.R. §§ 25.137 and 25.114.

⁵ 47 C.F.R. § 1.3.

⁶ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

⁷ *WAIT Radio v. FCC*, 419 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

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 exists for a waiver of both Section 25.137 and Section 25.114 of the FCC's rules. With respect to Section 25.114, Intelsat seeks authority only to provide TT&C services for the HYLAS-1 satellite for a short period of time. Obtaining the copious amount of information sought by Section 25.114 for only six months of TT&C services would be an undue hardship. Further, the information required under Section 25.114 of the FCC's rules is not necessary to determine potential harmful interference. As with any STA, Intelsat will perform the TT&C services on a non-interference basis.

Because obtaining the information would be a hardship, Intelsat seeks a waiver of all the information required by Section 25.114 of the Commission's rules. Intelsat has provided in this STA request any required technical information that is relevant to the TT&C services for which Intelsat seeks authorization.

Good cause also exists to waive Section 25.137 of the Commission's rules. Section 25.137 is designed to ensure that "U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services" in other countries.⁸ Here, there is 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. For example, Section 25.137(d)(4) 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.⁹ The underlying purpose of Section 25.137(d)(4)—to provide parity between U.S.-licensed and non-U.S.-licensed commercial satellite systems in discouraging orbital location warehousing—would not be served by requiring Intelsat to post a bond to provide approximately six months of TT&C services to the HYLAS-1 satellite.

It is Intelsat's understanding that HYLAS-1 is licensed by the United Kingdom, which is a WTO-member country. Thus, 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.

Finally, Intelsat notes that it only expects to operate with the HYLAS-1 satellite using its U.S. earth station for a period of approximately six months. Requiring Intelsat to obtain copious technical and legal information, where there is no risk of harmful interference and the operations will cease after approximately six months, would pose undue hardship without serving underlying policy objectives. Given these particular facts, the waiver sought herein is plainly appropriate.

⁸ 47 C.F.R. § 25.137(a).

⁹ See 47 C.F.R. §25.137(d)(4).