

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 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.¹ Intelsat License LLC, as debtor in possession ("Intelsat"), herein seeks authority to provide telemetry, tracking and command during satellite decommissioning ("deorbit services")—not commercial services—to the United States, and thus believes that Section 25.137 does not apply.²

To the extent the Commission determines, however, that Intelsat's request for authority to provide deorbit 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 25.114 and 25.137 of the Commission's rules.³ The Commission may grant a waiver for good cause shown.⁴ The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.⁵ 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.⁶ 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 exists for a waiver of both Section 25.114 and Section 25.137 of the FCC's rules. With respect to Section 25.114, Intelsat seeks authority only to provide deorbit services for the Intelsat 26 satellite. The information sought by Section 25.114 is not relevant to deorbit services.

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 47 C.F.R. §§ 25.114 and 25.137.

⁴ 47 C.F.R. § 1.3.

⁵ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

⁶ *WAIT Radio v. FCC*, 419 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

Further, the information required under Section 25.114 of the FCC's rules is not necessary to determine potential harmful interference. The Schedule S information for this satellite would pertain to the operation of the satellite at its licensed orbital location. However, the present application for deorbit services involves communications *after* the satellite leaves its licensed location in the geostationary orbit. In other words, during Intelsat 26's deorbit, the earth station will not be communicating with a satellite located in the geostationary orbit. Rather, it will be transmitting to a satellite in its disposal orbit. Moreover, as with any STA, Intelsat will perform the deorbit services on a non-interference basis.

Because it is not relevant to the service for which Intelsat seeks authorization 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 the required technical information that is relevant to the deorbit services for which Intelsat seeks authorization.

Good cause also exists to waive Section 25.137 of the agency'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.⁷ Here, there is no service being provided by the satellite; it is simply being decommissioned in its disposal orbit. Thus, the purpose of Section 25.137 would not be served by applying these rules to deorbit services.

Intelsat 26 is licensed by the United Kingdom,⁸ 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 expects to operate with the satellite using its U.S. earth station for a period of approximately two weeks. Requiring Intelsat to obtain copious technical and legal information where there is no risk of harmful interference and the operations will cease after approximately two weeks, would pose undue hardship without serving underlying policy objectives. Given these particular facts, the waiver sought herein is plainly appropriate.

⁷ 47 C.F.R. § 25.137(a).

⁸ Additionally, Intelsat 26 satellite is "subject to direct and effective regulatory oversight by the national licensing authority"⁸ of the United Kingdom. See 47 C.F.R. § 25.114(d)(14)(v).