

From: Jonathan Mirsky

To: Doug Young

Date: December 04, 2008

Subject: Request for Info - File #0463-EX-PL-2008

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Message:

This letter, submitted on behalf of HySky Communications, LLC (?HySky?), licensee of WPKU683, responds to your email of November 25, 2008, requesting answers to questions posed therein with respect to HySky?s application for an Experimental Authorization (File Number 0463-EX-PL-2008).

HySky has been testing satellite technology for the forward link of its two-way data messaging, locating, telemetry, and monitoring system pursuant to Special Temporary Authorization WD9XIX (File Number 0212-EX-ST-2008). This STA remains in effect pursuant to Section 5.61(b) of the Commission?s rules, 47 C.F.R. § 5.61(b).

In its application for an Experimental Authorization, HySky estimated that the length of time required to complete the program of experimentation would be six months. You asked whether testing would be completed in six months, and if so you suggested that HySky?s application for an Experimental Authorization could be treated as a request for a Special Temporary Authorization with a simpler coordination process.

HySky is seeking an Experimental Authorization rather than renewal of its Special Temporary Authorization for two reasons. First, HySky was informed by FCC staff that the Office of Engineering and Technology frowns upon STA renewal in lieu of an application for an Experimental Authorization. (See also Amendment of Part 5 of the Commission?s Rules to Revise the Experimental Radio Service Regulations, Report & Order, FCC 98-283 (Oct. 27, 1998), at ¶ 28.) Second, while HySky estimates that testing will be completed in six months, there is some likelihood that the testing will take longer than six months. HySky wants to be able to continue its experiments with satellite transmissions and technology for longer than six additional months, if the experimentation is not yet finished, without seeking additional authorization from the Commission.

You also asked whether HySky would be requesting a waiver of Part 90 of the rules at the conclusion of its satellite transmission experimentation. HySky?s current authorization for WPKU683 provides that HF channel occupancy assessments be valid for no longer than 10 seconds, making it impossible to use existing low-cost commercial satellites for HySky?s forward link. One objective of HySky?s experimentation is to determine if new satellite DARS digital signal processing technology will reduce satellite signal processing delays. HySky hopes that if that technology actually works then no changes to the existing authorization for WPKU683 will be needed for HySky to use satellites for its forward link in its regular operations under WPKU683. That is, HySky believes that if the technology proves itself HySky will be able to use satellite transmissions for its forward link while maintaining the maximum duration of channel occupancy assessments at 10 seconds. Accordingly, HySky believes no waivers of Part 90 would be necessary. (WPKU683 is authorized pursuant to waivers of certain rules in Part 90. See Order, DA 97-1451 (Wireless Tel. Bur. and Office of Eng?g & Tech. Jul. 10, 1997); Order, DA 97-1710 (Wireless Tel. Bur. Aug. 11, 1997); Order, DA 02-545 (Wireless Tel. Bur. Mar. 7, 2002); Errata, DA 02-1486 (Wireless Tel. Bur. Jun. 26, 2002).)

The public interest will be served by granting the Experimental Authorization application to allow HySky to develop a forward link for first-responders and security agencies that is truly nationwide, reliable, and impervious to attack. The public interest will also be served because grant of the Experimental Authorization will allow HySky to study new satellite communications technology and its uses. HySky?s Experimental Authorization application requests operations using the same technical characteristics and parameters as its existing Special Temporary Authorization. HySky has not received or been notified of a single complaint by primary users of the HF channels throughout the term of the STA.

Should you have any questions or concerns, please contact us.