



Federal Communications Commission
Washington, D.C. 20554

International Bureau

DA 07-3418

July 27, 2007

Stephen D. Baruch
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2000 K Street, N.W., Suite 600
Washington, D.C. 20006-1809

Re: Applications of DG Consents Sub, Inc. to Modify the Orbital Parameters of the
WorldView 60 Satellite and to Authorize the WorldView 110 Satellite
IBFS File No. SAT-MOD-20070223-00038 and SAT-AMD-20070504-00066.
Call Sign: S2129

Dear Mr. Baruch:

On February 23, 2007, DG Consents Sub, Inc. (DigitalGlobe) filed the above-captioned applications to modify its Earth Exploration Satellite Service (EESS) space station license¹ by adding the WorldView 110 satellite and by modifying the orbital parameters of the previously authorized WorldView 60 satellite. DigitalGlobe amended its modification application on May 4, 2007. For reasons discussed below, we dismiss the application and its amendment as defective, without prejudice to refile.²

In its application and amendment, DigitalGlobe provides the modified orbital parameters of WorldView 60 and 110 satellites and incorporates by reference the orbital debris mitigation plan for these satellites that was submitted as part of the original application for DigitalGlobe's NGSO constellation.³ The orbital debris plan submitted as part of the original application and modified in September 2005,⁴ states that DigitalGlobe has made public its orbital parameters and "will be prepared to disclose the accuracy with which these orbital parameters will be maintained."⁵

Section 25.114(d)(14)(iii) of the Commission's rules sets forth an applicant's reporting requirements regarding the assessment and probability of a space station becoming a source of debris by collisions with large debris or other operational space stations.⁶ Specifically, the rule requires:

¹ See DigitalGlobe, Inc., Modification of Authorization to Construct, Launch and Operate and Remote-Sensing Satellite System, *Order and Authorization*, 20 FCC Rcd 15696 (2005).

² If DigitalGlobe refiles an application in which the deficiencies identified in this letter have been corrected but otherwise identical to the one dismissed, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).

³ IBFS File No. SAT-MOD-20070223-00038, Exhibit 43, Description of Modification of License Application, at 2 and 8-10 ("*February 2007 Modification*").

⁴ See DigitalGlobe, Inc., Modification of Authorization to Construct, Launch and Operate and Remote-Sensing Satellite System, *Order and Authorization*, 20 FCC Rcd 15696 (2005).

⁵ Letter from Shawn Thompson, Director, Legal Services, to Thomas Tycz, Chief, Satellite Division, filed July 28, 2004 (IBFS File No. SAT-MOD-20040728-00151) at 10.

⁶ See 47 C.F.R. § 25.114(d)(14)(iii).

The [orbital debris] statement must disclose the accuracy --if any-- with which orbital parameters of non-geostationary satellite orbit space stations will be maintained, including apogee, perigee, inclination, and the right ascension of the ascending node(s).

The Commission has stated that the purpose of disclosing the accuracy with which orbital parameters will be maintained is to help interested third parties evaluate proposed systems with respect to collision avoidance and safe-flight profiles.⁷

Although DigitalGlobe has specified the orbital parameters of the WorldView 60 and 110 satellites, it has not disclosed the accuracy of these modified parameters. In particular, it is not clear from the modification application or the amendment whether, for example, the apogee and perigee indicated represent target values, or whether they constitute an "outer boundary" for its normal operations. DigitalGlobe's offer to disclose the accuracy of its orbital parameters at some future date does not satisfy the express requirement of Section 25.114(d)(14)(iii) that such accuracy be provided as part of the license application. Without disclosure of the accuracy of the proposed orbital parameters as part of the application, third parties will not be able to evaluate DigitalGlobe's proposed system adequately.⁸

We decline to grant DigitalGlobe's request for a waiver of the provisions of Section 25.114(d)(14), or for the opportunity to supplement its orbital debris statement on matters other than post-mission disposal.⁹ The Commission's rules regarding the disclosure of orbital debris mitigation plans have been effective since October 19, 2005.¹⁰ DigitalGlobe has failed to explain why a general request to waive unspecified provisions of Section 25.114(d)(14) "to the extent necessary" serves the public interest or comports with the requirement that each application for a new or modified space station authorization constitute a concrete proposal for Commission evaluation.¹¹

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss DigitalGlobe's above-captioned modification application and amendment without prejudice to refileing.

Sincerely,



Robert G. Nelson
Chief, Satellite Division
International Bureau

⁷ See Mitigation of Orbital Debris, *Second Report and Order*, 19 FCC Rcd 11567, 11584 (para. 37)(2004).

⁸ For the Worldview 60 and 110 satellites, we would consider disclosure of the target figure for apogee, perigee, and inclination, together with a range of values that might occur during normal operations, to be adequate. An alternative would be to specify maximum anticipated apogee altitude, minimum anticipated perigee altitude, and the range of anticipated inclinations.

⁹ See *February 2007 Modification* at 10.

¹⁰ See Public Notice, *International Bureau Satellite Division Information: Disclosure of Orbital Debris Mitigation Plans, Including Amendment of Pending Applications*, DA 05-2698, SPB 112 (rel. Oct.13, 2005).

¹¹ See 47 C.F.R. § 25.114(b).