

MINOR AMENDMENT

O3b Limited (“O3b”), pursuant to Section 25.116 of the Commission’s rules, respectfully submits a minor amendment (“PDR Minor Amendment”) to its Petition for Declaratory Ruling (“PDR”) seeking access to the U.S. market for O3b’s four new medium earth orbit (“MEO”) satellites, filed on October 29, 2014, and placed on Public Notice on November 14, 2014.¹ In the PDR, for administrative convenience, O3b also requested consolidation of the U.S. market access authority for its eight operating MEO satellites with the U.S. market access authority for its four new MEO satellites.

O3b operates a U.K.-authorized, non-geostationary orbit (“NGSO”) Fixed Satellite Service (“FSS”) system in the Ka-band. O3b has twelve satellites in orbit: O3b’s first four satellites were launched in June 2013, and an additional four satellites were launched on July 10, 2014 (collectively, the “Eight Operating Satellites”). O3b has satisfied all FCC milestones associated with the Eight Operating Satellites.² O3b launched four more satellites (the “Four New Satellites”) on December 18, 2014, using the same orbital plane, altitude, frequencies, and satellite design as the Eight Operating Satellites previously authorized by the Commission.

The Commission has authorized the Eight Operating Satellites to serve the United States by granting various earth station applications that specify O3b’s satellite system as a point of communication.³ The Commission also has granted O3b special temporary authority, and O3b has sought regular authority, for up to two of the Eight Operating Satellites to serve as spares, with the remaining satellites evenly distributed in O3b’s authorized orbital plane.⁴

In its PDR, O3b provided detailed information demonstrating that adding the Four New Satellites to O3b’s system would not create the potential for harmful interference to U.S.-licensed satellite and terrestrial systems. O3b made this showing in a legal narrative,⁵ a technical statement,⁶ and a Schedule S.⁷ The showing, which O3b hereby incorporates by reference, demonstrates that O3b can add four satellites with the same orbital plane, altitude, frequencies and satellite design as the Eight Operating Satellites without causing harmful interference.

In the PDR, O3b asked that it be permitted to operate up to three of its twelve space stations as spares, with the remaining space stations evenly distributed in O3b’s authorized orbital plane, *i.e.*, O3b sought authority for a “9+3” configuration. O3b hereby amends its PDR to reflect a

¹ See FCC File No. SAT-LOI-20141029-00118 (“PDR”), Public Notice, Report No. SAT-01053, at 1 (Nov. 14, 2014).

² See Public Notice, Report No. SES-01681, at 12 (Sep. 10, 2014).

³ For example: In September 2012, the Commission granted O3b a license to operate a gateway earth station in Haleiwa, Hawaii, to communicate with its NGSO FSS system. See FCC File No. SES-LIC-20100723-00952 (granted Sep. 25, 2012) (the “Hawaii License”). In June 2013, the Commission granted O3b a license to operate a second gateway in the United States, located in Vernon, Texas (the “Texas License”). See FCC File No. SES-LIC-20130124-00089 (granted Jun. 20, 2013). In May 2014, the Commission granted O3b a blanket license to operate maritime earth stations (the “Blanket Maritime License”). See FCC File No. SES-LIC-20130528-00455 (granted May 13, 2014).

⁴ See FCC File Nos. SES-STA-20140814-00656, SES-STA-20140814-00657, SES-STA-20140814-00658, SES-MOD-20140814-00652, SES-MOD-20140814-00654, SES-MOD-20140814-00655, and SES-AMD-20140814-00653.

⁵ See PDR at 6-10.

⁶ See Attachment A to PDR at A.8.3 and A.8.4.

⁷ See Schedule S to PDR at S17.

temporary phase during which its satellite system will operate in an “8+4” configuration. In this configuration there will be eight active satellites providing service with the remaining four acting as spares. This configuration is necessary to permit two of the spare satellites to be drifted to their eventual orbital positions required for the 9+3 configuration.

For the period starting January 25, 2015, and ending February 22, 2015, O3b requests authority to temporarily operate eight active satellites and four spare satellites in an “8+4” configuration and to transition the satellites to a “9+3” configuration. The spacing of the operational satellites in the orbital plane will mirror the spacing defined in the PDR (the “9+3” configuration) beginning February 22, 2015.

I. The PDR Minor Amendment is not a major amendment under 47 CFR §25.116(b).

As discussed below, the PDR Minor Amendment is not a “major amendment” under 47 CFR §25.116(b); therefore, it is not subject to the public notice requirements of 47 CFR §25.151.

A. The PDR Minor Amendment does not increase the potential for interference or change the proposed frequencies or orbital locations to be used.

The PDR Minor Amendment is a minor amendment under 47 CFR §25.116(b).⁸ The Schedule S accompanying the PDR defined a constellation of 12 satellites operating in a “9+3” configuration, which involves nine active operational satellites evenly spaced around the orbit with three in-orbit spare satellites located close to three of the nine operational satellites.⁹

The demonstration in the PDR that O3b can add four satellites with the same orbital plane, altitude, frequencies and satellite design as the Eight Operating Satellites without causing harmful interference is as applicable to the “8+4” configuration proposed herein as it is to the “9+3” configuration described in the PDR. Operations described in this PDR Minor Amendment, therefore, will neither create nor increase the potential for harmful interference to U.S.-licensed satellite and terrestrial systems.

Additionally, operation of the O3b satellite system in the temporary “8+4” configuration is not a change in orbital location or frequencies. The “8+4” configuration will only be in place for the four week period between January 25, 2015, and February 22, 2015, during which time the O3b satellite constellation will transition to a “9+3” configuration. There will be no change in the frequencies used by the O3b system due to the temporary “8+4” configuration. Accordingly, the PDR Amendment does not increase the potential for interference or change the proposed frequencies or orbital locations to be used.

B. The PDR Minor Amendment is not substantial pursuant to section 309 of the Communications Act.

As discussed above, operation of the O3b satellite system in the temporary “8+4” configuration will neither create nor increase the potential for harmful interference to U.S.-licensed satellite and terrestrial systems. No changes are being sought to the technical parameters identified in the licenses

⁸ 47 C.F.R. § 25.116 (“An amendment will be deemed to be a major amendment . . . [i]f the amendment increases the potential for interference, or changes the proposed frequencies or orbital locations to be used.”).

⁹ See Attachment A to PDR at A.2.

and STAs held by O3b and its customers. As explained below, no changes are being made to O3b's Schedule S. Also, no changes are being made to O3b's orbital debris mitigation plan, which O3b filed with its Hawaii gateway earth station application, and which the Commission approved in granting that application based on "a finding that O3b Limited is and will be subject to direct and effective regulation by the United Kingdom concerning orbital debris mitigation."¹⁰ These factors demonstrate that the PDR Minor Amendment is not substantial pursuant to section 309 of the Communications Act.

For the reasons discussed above,¹¹ the PDR Minor Amendment is not a "major amendment" under 47 CFR §25.116(b); accordingly, it is not subject to the public notice requirements of 47 CFR §25.151.

II. A new Schedule S is not required for this PDR Minor Amendment.

Although 47 CFR §25.116(e) states that amendments to space station applications should be filed on Form 312 and Schedule S, a fair reading of this provision is that Schedule S need not be included with a space station amendment unless there is a material change in the Schedule S that already has been filed. Under this reading, a new Schedule S should not be needed for the temporary configuration described in this amendment.

O3b notes that the phase angles in Section S5 of Schedule S will vary to the extent that O3b operates in an 8+4 rather than the 9+3 configuration as described in Schedule S; however, all other data contained in the Schedule S filed with the PDR remains the same. O3b will continue to upload Ephemeris data regarding the location of the O3b satellites in NORAD two-line data format on the web, pursuant to a condition of the O3b Hawaii License.¹²

Although O3b believes that a new Schedule S is not needed for its PDR Minor Amendment, to the extent necessary, O3b request a waiver of this requirement in 47 CFR §25.116(e).

III. Conclusion

For the reasons stated above and in the PDR, O3b requests that the Commission grant the PDR, as amended by the PDR Minor Amendment, and that it not place the PDR Minor Amendment on public notice.

¹⁰ See FCC Radio Station Authorization, Call Sign E100088, Condition 90045. The basis for the Commission's finding is unchanged.

¹¹ The PDR Minor Amendment is also not a major amendment under 47 CFR §25.116(b), because it will not convert the proposal into an action that may have a significant environmental effect under §1.1307 of the Commission's rules.

¹² See Hawaii License.