

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
O3b Limited)	File No. SAT-AMD-20171109-00154
)	
Amendment to Pending Applications for)	
U.S. Market Access for the O3b Medium)	
Earth Orbit Satellite System)	

PETITION FOR PARTIAL RECONSIDERATION

On June 6, 2018, the Commission released an Order and Declaratory Ruling (“ODR”) in the above-captioned proceeding.¹ Among other things, the ODR granted, over the objection of Iridium Constellation LLC (“Iridium”), the request by O3b Limited (“O3b”) to add a mobile satellite service (“MSS”) designation to its requested use of the 19.7-20.2 GHz and 29.5-30.0 GHz bands for its non-geostationary orbit (“NGSO”), Fixed-Satellite Service (“FSS”) system.² Based on this added designation, the Commission also authorized O3b to operate feeder links in the 29.1-29.3 GHz and 19.4-19.6 GHz bands, which for NGSO systems are limited exclusively to feeder links for MSS systems.³

Pursuant to Section 1.106 of the Commission’s rules,⁴ Iridium hereby seeks reconsideration in part of the ODR. More specifically, Iridium requests that on

¹ *O3b Limited*, Order and Declaratory Ruling, FCC 18-70.

² ODR at ¶ 18.

³ ODR at ¶ 19.

⁴ 47 C.F.R. § 1.106.

reconsideration O3b's authority to operate NGSO MSS stations in the 19.7-20.2 GHz and 29.5-30.0 GHz bands, which is a non-conforming use under the Commission's band plan,⁵ be conditioned on the outcome of future proceedings addressing technical and/or service rules for NGSO MSS stations in those bands. Iridium further requests that O3b's authority to operate NGSO MSS feeder links in the 29.1-29.3 GHz and 19.4-19.6 GHz bands, which is dependent on O3b's having NGSO MSS authority in the 19.7-20.2 GHz and 29.5-30.0 GHz bands, be conditioned on the outcome of such future proceedings.

The Commission commonly conditions grants when technical and service rules have not been adopted or are being reexamined. For example, it has made grants in the Ku/Ka-band NGSO processing round subject to modification to bring them into conformance with any rules or policies adopted by the Commission in the future, including a contemporaneous NGSO FSS rulemaking proceeding for which reconsideration petitions are pending.⁶

In the ODR, the Commission recognized the tentative nature of O3b's 19.7-20.2/29.5-30.0 GHz authority. It acknowledged there are no rules permitting operation

⁵ See *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 7809 at Appendix B (2017).

⁶ See e.g. *WorldVu Satellites Limited d/b/a OneWeb*, SAT-LOI-20160428-00041, Order & Declaratory Ruling FCC 17-77 (Jun 22, 2017); *Space Norway AS*, SAT-PDR-20161115-00111, Order & Declaratory Ruling FCC 17-146 (Nov 2, 2017); *Telesat Canada*, SAT-PDR-20161115-00108, Order & Declaratory Ruling FCC 17-147 (Nov 2, 2017); *Space Exploration Holdings, LLC*, SAT-LOA-20161115-00118, Memorandum Opinion, Order & Authorization, FCC 18-38 (Mar 28, 2018); see also *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 7809 (2017).

of NGSO mobile earth stations in these bands and no criteria in the bands for sharing between NGSO mobile earth stations and other earth stations.⁷ It stated, therefore, that O3b's mobile operations in the 19.7-20.2 GHz and 29.5-30.0 GHz bands must be on a non-interference, non-protected basis until rules for mobile earth stations in the bands are developed.⁸ The second part of that statement is meaningless unless the Commission takes the next logical step and conditions O3b's grant on the outcome of the proceedings in which such rules are adopted.

Conditioning O3b's grant also would be in furtherance of the Commission's default service rule. The rule provides that in bands for which service rules have not been adopted, licensees must come into compliance within 30 days once service rules are adopted and have become effective.⁹ The Commission should conform O3b's grant to the default service rule by adopting the condition Iridium has requested in this petition.

CONCLUSION

O3b's NGSO MSS operations in the 19.7-20.2 GHz and 29.5-30.0 GHz bands are a non-conforming use. The Commission recognized in the ODR, therefore, that O3b's mobile authority in the bands is an interim measure until rules for mobile earth stations in the bands are developed. To effectuate that determination, and in keeping with FCC precedent and the default service rule, the Commission should condition O3b's 19.7-

⁷ See ODR, ¶ 22.

⁸ *Id.*

⁹ See 47 C.F.R. § 25.217(e).

20.2 GHz/29.5-30.0 GHz band authority on the outcome of future proceedings addressing technical and/or service rules for mobile earth stations in those bands. The Commission also should condition O3b's authority to operate feeder links in the 29.1-29.3 GHz and 19.4-19.6 GHz bands, which is dependent on O3b's having NGSO MSS authority in the 19.7-20.2 GHz and 29.5-30.0 GHz bands, on the outcome of those future proceedings.

Respectfully submitted,

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July 6, 2018

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITION FOR RECONSIDERATION** was sent by first class mail, postage prepaid, this 6th day of July, 2018, to:

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