

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)	

REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION

Iridium Constellation LLC (“Iridium”) previously filed a Petition for Reconsideration¹ of the Order and Declaratory Ruling (“ODR”)² in the above-captioned proceeding. Iridium asked that on 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,³ be conditioned on the outcome of future proceedings addressing technical and/or service rules for NGSO MSS stations in those bands. Iridium further requested 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

¹ Iridium Constellation LLC, Petition for Partial Reconsideration, IBFS File No. SAT-AMD-20171109-00154 (filed July 6, 2018) (the “Petition”).

² *O3b Limited*, Order and Declaratory Ruling, FCC 18-70 (June 6, 2018)

³ 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).

conditioned on the outcome of such future proceedings. O3b submitted an Opposition to Iridium's Petition,⁴ and Iridium hereby replies to O3b's Opposition.

It is noteworthy that O3b, in its Opposition, does not dispute the merits of Iridium's Petition. O3b does not deny that, as stated in Iridium's Petition, the Commission commonly conditions grants on the outcome of future proceedings when, as is the case here, technical and service rules for a requested use have not been adopted or are being reexamined.⁵ Similarly, O3b takes no issue with Iridium's showing that imposing such conditions 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.⁶

Rather than addressing the merits of Iridium's Petition, O3b merely suggests the requested conditions should be unnecessary based on the following language in the ODR: "'this grant of U.S. market access and any earth station licenses granted in the future are subject to modification to bring them into conformance with any rules or policies adopted by the Commission in the future.'"⁷ There is a world of difference, however, between that language and what Iridium has proposed.

⁴ Opposition of O3b Limited to Petition for Partial Reconsideration, IBFS File No. SAT-AMD-20171109-00154 (filed July 19, 2018) (the "Opposition").

⁵ See Petition at 2.

⁶ See 47 C.F.R. § 25.217(e).

⁷ See Opposition at 2, quoting ODR at ¶ 54.

The conditions Iridium has requested would make it incumbent upon O3b to conform its operations to rules the Commission adopts in future proceedings. That is an appropriate outcome and would be in furtherance of the default service rule. The language O3b relies on, on the other hand, only presents the possibility that O3b's market access authorization would be modified to bring it into conformance with future rules. And O3b's authorization cannot be modified unless O3b voluntarily files a modification application or the Commission initiates a "show cause" proceeding.⁸ Requiring compliance with the Commission's own rules shouldn't be this cumbersome.

Finally, O3b complains that Iridium should have sought its proposed conditions at an earlier stage. O3b overlooks that: (i) Iridium timely objected to O3b's amendment, which proposed MSS operations that conflict with the Commission's Ka-band plan; (ii) O3b's amendment did not request a waiver of the band plan; (iii) the Commission waived the band plan in the ODR on its own motion⁹; and (iv) this is Iridium's first opportunity to address this issue since the band plan was waived. Accordingly, Iridium's request for conditions is timely.

CONCLUSION

For the reasons stated herein and in Iridium's Petition, the Commission should condition O3b's 19.7-20.2 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

⁸ See 47 USC § 316; 47 C.F.R. § 1.87.

⁹ See ODR at ¶ 22.

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 31, 2018

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **REPLY** was sent by electronic mail, this 31st day of July, 2018, to:

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