

April 13, 2018

*VIA ELECTRONIC FILING*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: **O3b Limited Notice of Ex Parte Presentations:  
The Boeing Company, File Nos. SAT-AMD-20171206-00167; SAT-LOA-20160622-00058  
(Call Sign S2966) and SAT-AMD-20171206-00168; SAT-LOA-20161115-00109 (Call Sign  
S2977)**

Dear Ms. Dortch:

On April 11, 2018, Suzanne Malloy and Noah Cherry representing O3b Limited met separately with Rachael Bender, Legal Advisor to Chairman Pai and Umair Javed, Legal Advisor to Commissioner Rosenworcel to discuss the above-referenced proceedings.<sup>1</sup>

Consistent with its filings in these proceedings, O3b reiterated that the proposal to substitute SOM1101 for Boeing as the applicant for authority to launch and operate Ka-band and V-band NGSO systems violates Section 25.159(b) of the Commission's rules because it would result in Greg Wyler having attributable interests in multiple unbuilt NGSO systems in the same frequency bands. Enforcing the Section 25.159(b) limit by denying the Amendments is necessary to promote the Commission's public interest objectives, ensure processing round applicants can rely on the Commission's rules with certainty, deter speculative satellite filings, and prevent affiliated NGSO operators from gaming the Commission's spectrum sharing rules.

O3b highlighted the Commission's rule that states that officers and directors of an applicant are considered to have a controlling interest in the applicant. With respect to Boeing's newly raised argument that "an affiliation can only even potentially arise when 'officers, directors, or key employees serve as the majority or otherwise as the controlling element of the board of directors and/or management of another entity,'"<sup>2</sup> O3b notes that this provision is only relevant with respect to non-applicant entities in the competitive bidding context. For example, a director of an auction applicant may hold a similar position in a non-applicant entity without that entity's revenues necessarily being attributable to the applicant. However, the Commission's officers and director's

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<sup>1</sup> Amendment of the Boeing Company, Call Sign S2966, File No. SAT-AMD-20171206-00167; Amendment of the Boeing Company, Call Sign S2977, File No. SAT-AMD-20171206-00168.

<sup>2</sup> Letter from Bruce A. Olcott, Counsel to Boeing, to Marlene H. Dortch, Secretary, FCC, File No. SAT-AMD-20171206-00167, *et al.*, at 2 (filed Mar. 21, 2018) (citing 47 C.F.R. § 1.2110(c)(5)(vii)).

rule expressly states that individual officers and directors of *applicants*, i.e., OneWeb and SOM1101, are considered to have a controlling interest in that applicant.<sup>3</sup>

A copy of this letter has been submitted to the relevant proceedings pursuant to 47 C.F.R. §§ 1.1200 *et seq.* Please direct any questions regarding this notification to the undersigned.

Respectfully submitted,

/s/ Suzanne Malloy  
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cc: All Commission staff members identified on Annex 1 (via email)  
Bruce Olcott, Counsel to The Boeing Company (via mail and email)  
Andrew G. McBride, Counsel to The Boeing Company (via mail and email)  
Brian D. Weimer, Counsel to OneWeb (via mail and email)  
William Wiltshire, Counsel to SpaceX (via mail and email)  
Scott Blake Harris, Counsel to Iridium (via mail and email)  
Henry Goldberg, Counsel to Telesat (via mail and email)  
Ronald W. Del Sesto Jr., Counsel to SOM1101 (via mail and email)  
Tim Hughes (via mail and email)  
Maureen C. McLaughlin (via mail and email)  
Leslie Milton (via mail and email)  
Ryan Gardner (via mail and email)  
Ronald E Center (via mail)

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<sup>3</sup> 47 CFR § 1.2110(c)(2)(ii)(F); *Updating Part 1 Competitive Bidding Rules*, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, Third Report and Order, 30 FCC Rcd 7493, 7517 (2015).