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FILED ELECTRONICALLY VIA IBFS
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Astro Digital US, Inc.;
IBFS File No. SAT-LOA-20170508-00071

Dear Ms. Dortch:

By letter dated January 16, 2018, Astro Digital US, Inc. ("Astro Digital") requested a waiver of condition 5 of the Commission's grant, in part, of Astro Digital's request to construct, deploy and operate a non-geostationary satellite orbit ("NGSO") constellation.¹ Condition 5 of the grant requires Astro Digital to submit to the Commission its input parameters and the simulation output results, using approved ITU EPFD simulation software, demonstrating EPFD compliance with the ITU Article 22 limits applicable to NGSO FSS operations in the 29.9-30.0 GHz band. Telesat Canada hereby opposes Astro Digital's waiver request.

To justify a waiver, Astro Digital would need to show that "special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule."² Astro Digital's request falls short of this standard.

In support of its request for a waiver, Astro Digital asserts that the showing required by condition 5 is "complex and labor intensive." However, the Commission

¹ Stamp Grant, File No. SAT-LOA-20170508-00071 (granted December 14, 2017, as corrected).

² *Boeing Company*, Order and Authorization, 16 FCC Rcd 5864, at ¶ 8 (IB and OET 2001).

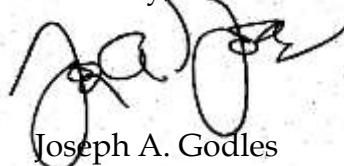
statement Astro Digital claims supports this assertion actually addresses the resources the Commission previously had to dedicate to reviewing EPFD showings, before it decided to rely upon the results produced by the ITU's EPFD validation software.³ The statement says nothing about the efforts required from applicants and licensees under current rules.

In fact, the additional effort required by Astro Digital to satisfy condition 5 is minimal. To comply with condition 1 of its grant, Astro Digital will need to submit a filing to the ITU for its constellation. This ITU filing must include the EPFD and PFD masks that are inputs for the ITU EPFD software. Therefore, Astro Digital will have to prepare these masks in any event. Moreover, given the parameters of the Astro Digital constellation relevant to the simulation (a 100 MHz Ka-band channel, 30 satellites, and one earth station), the time required to run the ITU software with appropriate EIRP and PFD masks is expected to be in the order of minutes, or less.

Astro Digital also asserts the ITU validation software is intended for large NGSO systems. But the obligation to demonstrate compliance with EPFD limits using approved ITU software applies to other approved NGSO constellations, including much smaller constellations such as the one proposed by Space Norway.⁴ Furthermore, although Astro Digital only proposes to uplink data from a single location, its NGSO system is not small. Astro Digital has requested authority for a constellation of up to 100 satellites, of which as many as 30 satellites could be operational at one time.

For these reasons, Astro Digital has failed to establish good cause for a waiver of condition 5 of its grant. Indeed, if Astro Digital is granted the waiver it seeks and is permitted to demonstrate compliance with condition 5 in some other manner, it would open the door to every NGSO operator seeking a waiver of this condition.

Sincerely



Joseph A. Godles
Attorney for Telesat Canada

³ *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters, Report & Order and Further Notice of Proposed Rulemaking*, IB Docket 16-408, FCC 17-122, ¶41 (2017).

⁴ *Order and Declaratory Ruling*, FCC 17-146, IBFS File No. SAT-PDR-20161115-00111, Call Sign S2978 (November 2, 2017), paragraph 25(b). See also: *Order and Declaratory Ruling*, FCC 17-77, IBFS File No. SAT-LOI-20160428-00041, Call Sign S2963 June 22, 2017), paragraph 24(d); *Order and Declaratory Ruling* FCC 17-147, IBFS File No. SAT-PDR-20161115-00108, Call Sign S2976 (November 2, 2017), paragraph 28(b).