

October 15, 2019

**Via IBFS**

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

**Re: *Cut-off Established for Additional NVNG MSS Applications or Petitions for Operations in the 399.9-400.05 MHz and 400.15-401 MHz Bands, Public Notice, DA 19-779 (rel. Aug. 15, 2019); and IBFS File No. SAT-LOA-20170508-00071 (filed May 8, 2017).***

Dear Ms. Dortch,

In response to the above-referenced public notice establishing a processing round for certain frequencies in the UHF band, Astro Digital US, Inc. (“Astro Digital”) requests that the International Bureau (“Bureau”) consider Astro Digital’s pending application as part of that processing round.<sup>1</sup> Astro Digital is authorized to operate five satellites to provide an earth-exploration satellite service,<sup>2</sup> and the company’s request to operate the additional twenty-five satellites of that constellation is pending.<sup>3</sup>

Pursuant to coordination with federal operators, Astro Digital conducts space operations transmissions (space-to-Earth) in the 400.48-400.52 MHz band.<sup>4</sup> Astro Digital’s use of that band for space operations is the same as the proposed use of the 399.9-400.05 MHz band by Spire Global, Inc.,<sup>5</sup> and is similar to the operational use of the 400.15-401 MHz

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<sup>1</sup> See Application of Astro Digital, IBFS File No. SAT-LOA-20170508-00071 (granted in part Dec. 14, 2017, April 12, 2018, and Aug. 1, 2018).

<sup>2</sup> See, e.g., Stamp Grant, Application of Astro Digital, IBFS File No. SAT-LOA-20170508-00071 (granted in part Aug. 1, 2018). Astro Digital currently has one operational satellite in this constellation.

<sup>3</sup> See *id.*, Attachment at n. 1.

<sup>4</sup> See *id.*, Attachment at 2.

<sup>5</sup> See Application of Spire Global, Inc., IBFS File Nos. SAT-AMD-20180102-00001, Exhibit A at 8 (filed Jan. 2, 2018) (requesting to use the 399.9-400.05 MHz band for tracking telemetry, tracking and command); see also Petition for Declaratory Ruling of Spire Global, Inc., IBFS File No. SAT-PDR-20190321-00018, Exhibit A at 6 (filed Mar. 21, 2019) (same).

band proposed by both Myriota Pty. Ltd. and Hiber Inc.<sup>6</sup> For these reasons, Astro Digital submits that the Bureau should consider Astro Digital's application as part of the above-referenced processing round.<sup>7</sup>

Best regards,

/s/ Chris Biddy  
Chris Biddy  
CEO  
Astro Digital US, Inc.

cc: Jose Albuquerque  
Karl Kensinger  
Steven Duall

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<sup>6</sup> The downlink operations in the 400.15-401 MHz band appear to serve a space operations function. *See, e.g.*, Petition for Declaratory Ruling of Hiber Inc., SAT-PDR-20180910-00069, Technical Annex at 3, 8 (filed Sep. 10, 2018) (satellites transmit “firmware updates” and their broadcasts “synchronize and update” the user terminals); Petition for Declaratory Ruling of Myriota Pty. Ltd., SAT-PDR-20190328-00020, Technical Information at 1 (filed Mar. 28, 2019) (Myriota system will enable transmissions directly from Internet-of-Things devices to satellites). Both constellations are Internet-of-Things systems primarily designed for relaying sensor-type data gathered by terrestrial terminals through orbiting satellites and not two-way data messaging systems typically associated with mobile-satellite services.

<sup>7</sup> *See, e.g., Melody Music, Inc. v. FCC*, 345 F.2d 730, 731-32 (D.C. Cir. 1965) (FCC must treat similarly situated parties the same). Astro Digital also notes that the use of the 400.15-401 MHz band for space operations is consistent with ITU Resolution 659, considering new or upgraded space operations allocations in the 400.15-420 MHz band. *See* WRC-15 Final Acts, Resolution COM6/19 (WRC-15), *available at* <http://www.itu.int/pub/R-ACT-WRC.12-2015/en>.