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June 14, 2017

VIA ELECTRONIC SUBMISSION

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: O3b Limited *Ex Parte* Presentation on WorldVu Satellites Limited Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System,
File No. SAT-LOI-20160428-00041

Dear Ms. Dortch

On June 12, 2017, the undersigned representative of O3b Limited (“O3b”) and O3b’s outside counsel, Karis A. Hastings, spoke by telephone with Jose Albuquerque, Chief of the International Bureau’s Satellite Division, regarding the draft Order and Declaratory Ruling that the Commission released in the above-referenced proceeding on June 1, 2017 (the “OneWeb Draft Order”). The discussion focused on O3b’s concerns regarding the conditions that would be imposed in the OneWeb Draft Order.

First, O3b observed that paragraph 24(k) of the draft document does not explicitly address protection of the currently operational O3b satellite system from interference. That provision states that OneWeb’s operations must comply with the requirement to avoid in-line interference contained in Section 25.261(b)-(d) of the Commission’s rules, but only with respect to “any NGSO system licensed or granted U.S. market access pursuant to the processing round initiated in Public Notice, DA 16-804.” Although O3b has filed pending applications that are being considered in that processing round, O3b also has a grant of U.S. market access for its existing NGSO system that was issued well before the processing round began.¹ O3b suggested that the Commission make clear that the obligations imposed on OneWeb to protect other NGSO systems extend to the twelve O3b satellites that have already received U.S. market access, as well as to any future O3b satellites granted U.S. market access pursuant to the pending processing round.

Second, O3b pointed out an apparent inconsistency between the language of the O3b Market Access Grant and the OneWeb Draft Order with respect to ongoing regulation of the respective systems by the United Kingdom. Specifically, the O3b Market Access Grant provides that:

This grant is based upon the finding that O3b Limited is and will be subject to direct and effective regulation by the United Kingdom concerning orbital debris mitigation. *This grant will remain effective only to the extent that launch and space operations continue to be authorized by the United Kingdom Space Agency under the United Kingdom Outer Space Act.*²

¹ See O3b Limited, Call Sign S2935, IBFS File Nos. SAT-LOI-20141029-00118 and SAT-AMD-20150115-00004, granted Jan. 22, 2015 (“O3b Market Access Grant”).

² See *id.*, ¶ 15 (emphasis added).

Paragraph 26(c) of the OneWeb Draft Order specifies that its operations must be subject to “direct and effective regulation” by the United Kingdom for orbital debris mitigation, but that provision does not include the italicized sentence quoted above specifying that the grant’s effectiveness is dependent on continuing authorization of the OneWeb system by the United Kingdom. A separate provision of the OneWeb Draft Order, paragraph 25(f), requires OneWeb to obtain an operational authorization from the United Kingdom Space Agency and to submit that authorization to the Commission, but that section also does not mention the need for continuity of the United Kingdom authorization. For the avoidance of doubt, and given the Commission’s stated intent to impose on OneWeb the same conditions to which O3b is subject,³ O3b suggests that the Commission consider revision of the OneWeb Draft Order to more closely track the language found in the O3b Market Access Grant.

While not addressed in the discussion with Mr. Albuquerque, O3b also takes this opportunity to raise two additional matters related to the OneWeb Draft Order. On further review, O3b discovered that the draft lacks language that is contained in the O3b Market Access Grant – and indeed is part of the boilerplate used in other space station authorizations – that references the representations made in the underlying application and the requirements of Commission rules not waived in the grant. O3b asks the Commission to rectify that omission by incorporating additional text into paragraph 23.

O3b also has concerns regarding the formulation of paragraph 26(a) regarding ensuring that applicable aggregate equivalent power flux density (“EPFD”) limits are met to protect geostationary satellite orbit systems. The draft text requires that OneWeb “must cooperate in good faith with other NGSO FSS operators in order to ensure compliance with the applicable limits for aggregate EPFD,” but the language does not address what would occur if the NGSO FSS operators fail to agree on how to adjust their operations to ensure that the aggregate limits are not exceeded. O3b requests that the Commission modify this provision to make clear that, in the absence of an agreement among NGSO parties, the Commission will step in as needed to prevent violation of applicable aggregate EPFD limits.

Specific proposed changes to the draft order to address these concerns are marked in the attached appendix. Please contact us if you have any questions about this submission.

Respectfully submitted,

O3b LIMITED

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Attachment

cc: Jose Albuquerque
Brian D. Weimer, Counsel for OneWeb

³ See OneWeb Draft Order, ¶ 13.

Appendix: O3b Proposed Changes to OneWeb Draft Order

1. Paragraph 23:

23. Accordingly, IT IS ORDERED, that the Petition for Declaratory Ruling filed by WorldVu Satellites Limited, d/b/a OneWeb, IS GRANTED, pursuant to section 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § 303(r), and section 25.137(c) of the Federal Communication Commission's rules, 47 CFR § 25.137(c). Communications between U.S.-licensed earth stations and OneWeb's NGSO system must be in accordance with the terms, conditions, and technical specifications set forth in OneWeb's application, the Federal Communication Commission's rules not waived herein, and are subject to the conditions, as set forth in paragraphs 24-29 below.

2. Paragraph 24(k):

k. Operations must comply with the avoidance of in-line interference method specified in 47 CFR § 25.261(b)-(d) with respect to any operating NGSO system licensed or granted U.S. market access ~~pursuant to either prior to or as part of~~ the processing round initiated in Public Notice, DA 16-804.

3. Paragraph 25(f):

f. Prior to initiation of service, OneWeb must obtain from the United Kingdom Space Agency an authorization for deployment and space operations under the United Kingdom Outer Space Act. OneWeb must file evidence in File No. SAT-LOI-20160428-00041 demonstrating grant of any such authorizations within five business days of action by the United Kingdom Space Agency. Thereafter, this grant will remain effective only to the extent that launch and space operations continue to be authorized by the United Kingdom Space Agency under the United Kingdom Outer Space Act.

4. Paragraph 26(a):

a. OneWeb must cooperate in good faith with other NGSO FSS operators in order to ensure compliance with the applicable limits for aggregate EPFD in the space-to-Earth direction (EPFDdown) contained in 47 CFR § 25.208(h), (m), as well as in Resolution 76 of the ITU Radio Regulations. If the NGSO FSS operators do not reach an agreement on measures to ensure compliance with the aggregate EPFD limits, the Commission may modify the terms of OneWeb's grant of U.S. market access and any related earth station licenses to ensure that applicable aggregate EPFD limits are met.