



Federal Communications Commission  
Washington, DC 20554

International Bureau

January 9, 2009

James M. Talens  
Counsel for ATCONTACT Communications, LLC  
6017 Woodley Road  
McLean, VA 22101

Re: ATCONTACT Communications, LLC  
File No. SAT-MOD-20080813-00155  
Call Sign S2346

Dear Mr. Talens:

This letter is in response to the above referenced modification application and ATCONTACT Communications LLC's (ATCONTACT's) request for an extension of time to modify its authorization for its non-geostationary satellite orbit (NGSO) satellites specifying end-of-life operations.

Section 25.114(d) of the Commission's rules require an applicant for a space station authorization to submit a description of the design and operational strategies that it will use to mitigate orbital debris, including a statement detailing post mission disposal plans for space stations at the end of their operating life.<sup>1</sup> Post-mission disposal consists of measures taken at the end of a spacecraft's useful life that results in the removal of the spacecraft from the earth's orbit, or relocation of the spacecraft to a long term orbit that reduces the risk of interference with operational spacecraft.<sup>2</sup> The mitigation of orbital debris serves the public interest by preserving the United States' continued affordable access to space, the continued provision of reliable U.S. space-based services, and the continued safety of persons and property in space and on Earth.<sup>3</sup>

As indicated in its authorization for its highly-elliptical orbit (HEO) NGSO satellites, ATCONTACT planned to de-orbit the satellites through controlled re-entry.<sup>4</sup> Because ATCONTACT's system was still in the design process, its application did not provide detailed information such as operational plans, methods for coordination with relevant government agencies, and insurance arrangements. Accordingly, ATCONTACT was directed to file a modification application providing detailed information concerning all aspects of the proposed disposal plan by May 30, 2008.

On May 29, 2008, ATCONTACT filed a request for extension of time.<sup>5</sup> In its request, ATCONTACT states there were a number of technical and procedural changes "in the process of

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<sup>1</sup> 47 C.F.R. § 25.114(d)(14).

<sup>2</sup> Mitigation of Orbital Debris, *Second Report and Order*, 19 FCC Rcd 11567, 11591, ¶ 58 (2004) (*Orbital Debris Order*).

<sup>3</sup> *Orbital Debris Order*, 19 FCC Rcd at 11567, ¶ 1.

<sup>4</sup> contactMEO Communications, LLC, *Order and Authorization*, 21 FCC Rcd 4035, 4052, ¶ 46 (Int'l Bur. 2006). In June 2006, contactMEO Communications, LLC notified the Commission of its name change to ATCONTACT Communications, LLC. Letter to Marlene H. Dortch, Secretary, FCC, from James M. Talens, Counsel for ATCONTACT Communications, LLC (June 5, 2006).

<sup>5</sup> Letter to Robert Nelson, Chief, Satellite Division, from James Talens, Counsel for ATCONTACT Communications, LLC (May 29, 2008) (*ATCONTACT Extension Request*).

development ... each of which will directly or indirectly affect the fashion by which end-of-life operations are implemented.”<sup>6</sup> ATCONTACT concluded that it was “not technically feasible at this time” to submit the details required for the modification application as directed in its license.<sup>7</sup> ATCONTACT requested an additional six months to provide a detailed disposal plan, but indicated it may be necessary to seek a further extension.<sup>8</sup>

In August 2008, however, ATCONTACT filed a modification application specifying the end-of-life disposal plan for its HEO satellites.<sup>9</sup> In the application, ATCONTACT states that it intends to use a disposal orbit rather than controlled re-entry as previously specified.<sup>10</sup> ATCONTACT acknowledges that controlled atmospheric re-entry has been employed for end-of-life operations for HEO satellites with perigee altitudes similar to ATCONTACT’s satellites, and states that if atmospheric re-entry is determined to be more appropriate, it could be implemented later in the program.<sup>11</sup> ATCONTACT indicates that atmospheric re-entry was not selected due to “coordination activities” required.<sup>12</sup>

To assist the Commission in determining whether ATCONTACT’s orbital debris mitigation plan serves the public interest, ATCONTACT must provide greater detail concerning the rationale underlying the change of its post-mission disposal plan from atmospheric re-entry to a disposal orbit. ATCONTACT should specify the nature of the “coordination activities” identified in its extension request. ATCONTACT should detail what, if any, burden is associated with such activities that led ATCONTACT to change the end-of-life method for its HEO satellites. In addition, please explain how the use of a disposal orbit serves the public interest, considering ATCONTACT’s statement that less fuel is required for atmospheric re-entry, and the fact that this method will result in the permanent removal of debris from the orbit.

To provide ATCONTACT adequate time to respond to this request, we defer action on ATCONTACT’s modification application and grant ATCONTACT’s request for an extension of time to respond to the condition in its authorization to file an amendment detailing its proposed re-entry at end-of-life.

Accordingly, ATCONTACT Communications, LLC must respond to the above questions concerning its proposed orbital debris mitigation plan before April 30, 2009. Alternatively, ATCONTACT may file an application to modify its authorization for its NGSO satellites to include all aspects of the proposed atmospheric re-entry end-of-life operations as initially set forth in its authorization. Failure to respond by April 30, 2009 may render the authorization null and void.

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<sup>6</sup> *ATCONTACT Extension Request.*

<sup>7</sup> *ATCONTACT Extension Request.*

<sup>8</sup> *ATCONTACT Extension Request.*

<sup>9</sup> ATCONTACT Communications, LLC, File No. SAT-MOD-20080813-00155 (*ATCONTACT Modification*).

<sup>10</sup> *ATCONTACT Modification*, Attachment at 1.

<sup>11</sup> *ATCONTACT Modification*, Attachment at 1.

<sup>12</sup> *ATCONTACT Modification*, Attachment at 1.

This request is made without prejudice to any Commission action regarding ATCONTACT's compliance with its milestone to commence physical construction of its first NGSO Ka-band satellite.<sup>13</sup>

Please contact Kal Krautkramer at (202) 418-1335 if you have any questions.

Sincerely,



Robert G. Nelson  
Chief, Satellite Division  
International Bureau

cc: Mr. David M. Drucker  
Manager, ATCONTACT Communications, LLC

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<sup>13</sup> Letter to Marlene H. Dortch, Secretary, FCC, from James M. Talens, Counsel for ATCONTACT Communications, LLC (October 15, 2008).