

S2103 SAT-MOD-20111021-00207 IB2011004639
ORBCOMM License Corp.
ORBCOMM GENERATION 2

** GRANT IN PART - DEFER IN PART **



File # SAT-MOD-20111021-00207

Call Sign S2103 Grant Date 09/18/14

(or other identifier)

From see conditions Term Dates see conditions To: conditions

Approved: Stephen J. Duall

Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

(see also
SAT-AMD-20120809-00125
SAT-AMD-20130212-00020)

Date & Time Filed: Oct 21 2011 11:29:04:606AM
File Number: SAT-MOD-20111021-00207

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD – MAIN FORM	FCC Use Only
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
ORBCOMM NVNG MSS space segment license modification

1-8. Legal Name of Applicant			
Name:	ORBCOMM License Corp.	Phone Number:	585-461-3018
DBA Name:		Fax Number:	585-461-3476
Street:	ORBCOMM License Corp.	E-Mail:	sonnenfeldt.walter@orbcomm.com
	2115 Linwood Ave. Suite 100		
City:	Fort Lee	State:	NJ
Country:	USA	Zipcode:	07024 -
Attention:	Walter H Sonnenfeldt		

Attachment
ORBCOMM License Corp.
IBFS File Nos. SAT-MOD-20111021-00207, SAT-AMD-20120809-00125,
and SAT-AMD-20130212-00020
Call Sign S2103

The application of ORBCOMM License Corp. (ORBCOMM), as amended, IBFS File Nos. SAT-MOD-20111021-00207 and SAT-AMD-20130212-00020, to modify its authorization for a non-voice, non-geostationary Mobile-Satellite Service (Little LEO) system IS GRANTED in part and DEFERRED in part, and the remaining requests in IBFS File No. SAT-AMD-20120809-00125 are DISMISSED as moot. Given ORBCOMM's successful launch of six next-generation satellites,¹ we partially grant its request to extend the fourth milestone in its *Next Generation License*.² Specifically, we extend the time by which ORBCOMM must complete construction of and launch the first two next-generation satellites until July 14, 2014. This action renders moot ORBCOMM's earlier requests for modification or waiver of the fourth milestone contained in IBFS File No. SAT-AMD-20120809-00125. The other requests in the amendment have either been granted³ or become moot.⁴ We defer action on ORBCOMM's remaining request to extend or waive the final milestone in its *Next Generation License*.⁵ This grant is without prejudice to any decision on that request.

** GRANT IN PART, DEFER IN PART **



SAT-MOD-20111021-00207
 File # SAT-AMD-20130212-00020
 Call Sign S2103 Grant Date 09/18/14
 (or other identifier)
 From see conditions Term Dates see conditions
 To: conditions
 Approved: Stephen J. Duall
 Stephen J. Duall
 Chief, Satellite Policy Branch

(see also SAT-AMD-20120809-00125)

¹ See, e.g., Press Release, ORBCOMM Inc., ORBCOMM Announces the Successful Launch of Its First Six OG2 Satellites (July 14, 2014), available at <http://www.orbcomm.com/uploads/files/ORBCOMM OG2Launch.pdf>. These satellites, and other next-generation space stations not yet launched, are subject to bond and milestone requirements because they were assigned additional Little LEO "System 1" frequencies on a primary basis not assigned to ORBCOMM's first-generation satellites. See Orbcomm License Corp., *Order and Authorization*, DA 08-633, 23 FCC Rcd 4804, 4808 ¶ 10 n.27, 4813 ¶ 23 (Int'l Bur. and OET 2008) (*Next Generation License*). ORBCOMM had previously launched six satellites also authorized under the *Next Generation License*. See, e.g., ORBCOMM Inc., SEC Form 10-K at 41 (Mar. 17, 2014); see also *Next Generation License*, DA 08-633, 23 FCC Rcd at 4812, ¶ 22. These earlier satellites were launched prior to their launch deadline, and were not subject to a bond as they were not assigned additional frequencies. See *Next Generation License*, DA 08-633, 23 FCC Rcd at 4812, ¶ 22.

² See *Next Generation License*, DA 08-633, 23 FCC Rcd at 4813 ¶ 23.

³ See Orbcomm License Corp., *Stamp Grant*, IBFS File Nos. SAT-MOD-20111021-00207 and SAT-AMD-20120809-00125 (granted Oct. 2, 2012) (granting revised deployment plan in SAT-AMD-20120809-00125 for one next-generation satellite).

⁴ In its 2012 amendment to the modification application, ORBCOMM also sought a revised deployment plan for the 17 additional next-generation satellites. See IBFS File No. SAT-AMD-20120809-00125. It later substituted an updated deployment plan for these satellites. See IBFS File No. SAT-AMD-20140116-00006 (granted Mar. 26, 2014).

⁵ See *Next Generation License*, DA 08-633, 23 FCC Rcd at 4813, ¶ 23 (requiring ORBCOMM "Certify Entire System Operational" by March 21, 2014).

9-16. Name of Contact Representative

Name:	ORBCOMM License Corp.	Phone Number:	585-461-3018
Company:		Fax Number:	585-461-3476
Street:	ORBCOMM License Corp.	E-Mail:	sonnenfeldt.walter@orbcomm.com
	2115 Linwood Ave. Suite 100		
City:	Fort Lee	State:	NJ
Country:	USA	Zipcode:	07024-
Attention:		Relationship:	

CLASSIFICATION OF FILING

<p>17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.</p> <p><input type="radio"/> a1. Earth Station</p> <p><input checked="" type="radio"/> a2. Space Station</p>	<p>(N/A) b1. Application for License of New Station</p> <p>(N/A) b2. Application for Registration of New Domestic Receive-Only Station</p> <p><input type="radio"/> b3. Amendment to a Pending Application</p> <p><input checked="" type="radio"/> b4. Modification of License or Registration</p> <p>b5. Assignment of License or Registration</p> <p>b6. Transfer of Control of License or Registration</p> <p><input type="radio"/> b7. Notification of Minor Modification</p> <p>(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite</p> <p>(N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States</p> <p>(N/A) b10. Other (Please specify)</p> <p>(N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States</p> <p>(N/A) b12. Application for Database Entry</p> <p><input type="radio"/> b13. Amendment to a Pending Database Entry Application</p> <p><input type="radio"/> b14. Modification of Database Entry</p>
<p>17c. Is a fee submitted with this application?</p> <p><input type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).</p> <p><input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee</p> <p><input checked="" type="radio"/> Other (please explain): See, DA 11-1499 at FN 11; See, also 47 C.F.R.</p>	
<p>17d.</p> <p>Fee Classification CGW – Space Station Modification (Non-Geostationary)</p>	

<p>18. If this filing is in reference to an existing station, enter:</p> <p>(a) Call sign of station: S2103</p>	<p>19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number:</p> <p>(a) Date pending application was filed: (b) File number: SESMOD2006010600014</p>
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TYPE OF SERVICE

<p>20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:</p> <p><input type="checkbox"/> a. Fixed Satellite</p> <p><input checked="" type="checkbox"/> b. Mobile Satellite</p> <p><input type="checkbox"/> c. Radiodetermination Satellite</p> <p><input type="checkbox"/> d. Earth Exploration Satellite</p> <p><input type="checkbox"/> e. Direct to Home Fixed Satellite</p> <p><input type="checkbox"/> f. Digital Audio Radio Service</p> <p><input type="checkbox"/> g. Other (please specify)</p>	
<p>21. STATUS: Choose the button next to the applicable status. Choose only one.</p> <p><input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier</p>	<p>22. If earth station applicant, check all that apply.</p> <p><input type="checkbox"/> Using U.S. licensed satellites</p> <p><input type="checkbox"/> Using Non-U.S. licensed satellites</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:</p> <p><input checked="" type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A</p>	

24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).

a. C-Band (4/6 GHz) b. Ku-Band (12/14 GHz)

c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: 137

Frequency Upper: 401

(Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- a. Fixed Earth Station
- b. Temporary-Fixed Earth Station
- c. 12/14 GHz VSAT Network
- d. Mobile Earth Station
- e. Geostationary Space Station
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive Transmit-Only Receive-Only N/A

"For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a — authorization to add new emission designator and related service
- b — authorization to change emission designator and related service
- c — authorization to increase EIRP and EIRP density
- d — authorization to replace antenna
- e — authorization to add antenna
- f — authorization to relocate fixed station
- g — authorization to change frequency(ies)
- h — authorization to add frequency
- i — authorization to add Points of Communication (satellites & countries)
- j — authorization to change Points of Communication (satellites & countries)
- k — authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l — authorization to change orbit location
- m — authorization to perform fleet management
- n — authorization to extend milestones
- o — Other (Please specify)

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. Yes No

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30–34.

29. Is the applicant a foreign government or the representative of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No
30. Is the applicant an alien or the representative of an alien?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes No

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances

Yes No

39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.

Yes No

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.

Ownership Exhibit

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes.

Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.

Yes No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

Commission authorization is requested to modify the ORBCOMM NVNG MSS space segment license (FCC Call Sign S2103) to revise the deployment plan and otherwise update the specification for the currently authorized ORBCOMM Generation 2 satellites.

Narrative Exhibit

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
Marc J. Eisenberg

46. Title of Person Signing
Chief Executive Officer

—>

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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