

O3b Limited
3rd Floor, Anley House
5 Anley Street
St. Helier, Jersey JE2 3QE
Channel Islands
T +44 (0) 1534 828 592



www.o3bnetworks.com

May 31, 2018

VIA ELECTRONIC FILING

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

Re: O3b Limited, File Nos. SAT-MOD-20160624-00060, SAT-AMD-20161115-00116, SAT-AMD-20170301-00026 & SAT-AMD-20171109-00154

Dear Ms. Dortch:

O3b Limited (“O3b”) hereby responds to a recent *ex parte* letter summarizing meetings in which Iridium Constellation LLC (“Iridium”) opposed certain aspects of the Commission’s draft grant of O3b’s above-captioned market access requests.¹ Iridium’s arguments focus on an amendment O3b filed in November 2017 (the “O3b Amendment”) that added a mobile-satellite service (“MSS”) designation in the 19.7-20.2 GHz and 29.5-30 GHz bands and specified use of the 29.1-29.5 GHz and 19.3-19.7 GHz bands for MSS feeder links but proposed no technical changes to O3b’s planned non-geostationary orbit (“NGSO”) operations. Iridium uses only a fraction of this spectrum, 29.1-29.3 GHz and 19.4-19.6 GHz, in a single polarization, and has no legitimate grounds for concern regarding O3b’s proposed operations in the remaining frequencies.

The Iridium Letter – with its dire predictions of adverse impact to Commission processes and liberal use of italics – vastly exaggerates the scope and implications of the minimal change contemplated in the O3b Amendment. Contrary to Iridium’s rhetoric, granting the O3b Amendment poses no threat to the regulatory order. It would simply allow O3b to continue doing what the O3b system and numerous geostationary orbit (“GSO”) fixed-satellite service (“FSS”) systems do today – serve both fixed and mobile terminals using the same space segment.

¹ See Letter of Scott Blake Harris, Counsel to Iridium Constellation LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, File Nos. SAT-MOD-20160624-00060, *et al.*, dated May 29, 2018 (“Iridium Letter”); *O3b Limited*, Order and Declaratory Ruling, FCC-CIRC1806-05 (rel. May 17, 2018) (“Draft Order”).

Moreover, grant would harm neither Iridium nor any of the participants in the Commission's pending NGSO processing rounds.

The Commission cannot accede to Iridium's attempts to block any other party's access to NGSO MSS spectrum – much of which Iridium does not even use. Instead, as the Draft Order recognizes, O3b's proposed addition of an MSS designation would allow more intensive spectrum use, in a manner wholly consistent with domestic and international allocations. Iridium's objections to the Draft Order are wholly without merit and must be rejected.

The specific allegations in the Iridium Letter can be readily refuted. First, Iridium's claim that O3b cannot provide MSS with its NGSO system because the O3b Amendment proposes no changes to the technical elements of its planned satellite operations² is blatantly false. Iridium simply ignores the fact that the sole difference between the definitions of MSS and FSS relates to whether the terminals are stationary or in motion³ – it has nothing to do with how the space stations are designed and operate. Thus, serving mobile terminals as well as fixed terminals requires no alteration to the satellite network design for planned operations in the 19.7-20.2 and 29.5-30.0 GHz bands. Far from being a “ruse,”⁴ O3b's request for an MSS designation is reflective of O3b's plans to provide connectivity to mobile terminals, as explicitly specified in the Commission's definition of MSS.

The remainder of Iridium's arguments involve matters in which Iridium has no conceivable interest. Iridium is wholly unaffected by O3b's request to add an MSS designation to the 19.7-20.2 GHz and 29.5-30.0 GHz bands, as Iridium does not operate or seek to operate in that spectrum. Entities currently authorized to use those bands and applicants in the processing round seeking to use that spectrum would presumably be the first to object if they believed that O3b's proposed operations posed an interference risk, but no party who would potentially be affected by this aspect of the O3b Amendment has raised any concerns. Clearly, then, parties with an actual stake in the issues do not share Iridium's view that a rulemaking is needed to assess sharing issues or that Section 25.261 of the Commission's rules is inadequate to protect their interests.⁵

Moreover, Iridium does not present any technical obstacle to O3b's proposed MSS operations in the 19.7-20.2 GHz and 29.5-30.0 GHz bands. Adding an MSS designation in this spectrum is fully consistent with the U.S. Table of Frequency Allocations and the corresponding

² Iridium Letter at 2.

³ See 47 C.F.R. § 25.103 (defining FSS as a service involving “earth stations at given positions” and MSS as a service involving “mobile earth stations”).

⁴ Iridium Letter at 2.

⁵ See *id.* at 2-3.

international allocations table, each of which permits both FSS and MSS operations in these bands.⁶

Iridium's repetition of its prior assertions that the O3b Amendment should be classified as major likewise presents an issue with no possible effect on Iridium itself. As O3b has previously explained, the Commission's intent in limiting the scope of amendments that can be filed without rendering an application ineligible for consideration in a processing round is to preserve the rights of the round's other applicants – a group that does not involve Iridium.⁷ In any event, as Iridium itself emphasizes, the O3b Amendment makes “*no changes to the technical elements of the system it previously described as providing FSS.*”⁸ Without any technical changes, adjusting the designation to align with domestic and international allocations cannot on its own pose a greater risk of interference that would justify considering the amendment to be major.⁹

The Iridium Letter's allegations regarding the O3b Amendment are completely lacking in concrete evidence of any potential adverse effects on Iridium's operations. The public interest in robust use of spectrum fully supports allowing O3b to expand the capacity of its system, enhancing O3b's ability to bring connectivity to unserved and underserved customers in the United States and around the globe.

Sincerely,



Suzanne Malloy
Vice-President, Regulatory Affairs
E: Suzanne.Malloy@o3bnetworks.com
T: +1 202.813.4014
M: +1 202.352.5985

⁶ See 47 C.F.R. § 2.106. Contrary to Iridium's allegations, allowing O3b to make use of this spectrum for MSS does not require “drastic changes” to the Commission's Ka-band plan or require the Commission to first engage in a rulemaking proceeding. See Iridium Letter at 4. It simply requires the Commission to waive its band plan, as it routinely does for proposed operations that pose no material risk of interference. See O3b Limited Opposition to Petition to Deny, File Nos. SAT-MOD-20160624-00060, *et al.*, filed Jan. 10, 2018 (“O3b Opposition”) at 8-9 & n.22. The Commission is, of course, free to initiate a rulemaking to further explore issues relating to MSS use of the 19.7-20.2 GHz and 29.5-30.0 GHz bands but should not delay authorizing O3b to expand its services in the interim.

⁷ See *id.* at 10-11.

⁸ Iridium Letter at 2 (emphasis in original).

⁹ O3b Opposition”) at 9-10.