

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

EOS Defense Systems USA, Inc.,	)	
	)	
Request for Authority to Modify the Audacy	)	
Network to: (i) Add New Service Links in the	)	SAT-MOD-20200526-00057
17.7-18.6 GHz, 18.8-20.2 GHz and 27.5-30	)	
GHz bands and (ii) Provide Enhanced Feeder	)	
Link Service in the 19.7-20.2 GHz and 29.5-	)	
30.0 GHz bands; Request for Waiver of	)	
Section 25.146(b) of the Commission's rules	)	

**CONDITIONAL WITHDRAWAL OF PETITION TO DENY**

On August 31, 2020, Iridium Constellation LLC (“Iridium”) petitioned to deny, in part, the application of EOS Defense Systems USA, Inc. (“EOS”) to modify the license for its non-geostationary satellite orbit (“NGSO”) Fixed-Satellite Service (“FSS”) Ka-band system.<sup>1</sup> EOS’ application requested, among other things, to add service links in the 18.8-20.2 GHz and 27.5-30.0 GHz bands, which include the 19.4-19.6 GHz and 29.1-29.3 GHz sub-bands used by Iridium for feeder links. As Iridium explained in its petition, the Commission’s band plan limits NGSO use of the 19.4-19.6 GHz and 29.1-29.3 GHz bands to MSS feeder links.<sup>2</sup> EOS’ proposal therefore, conflicted with both elements of the band plan: EOS would be operating service links, not feeder links, and the links would support an FSS system, not an MSS system.

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<sup>1</sup> Petition to Deny in Part of Iridium Constellation, LLC, IBFS File No. SAT-MOD-20200526-00057 (Aug. 31, 2020).

<sup>2</sup> See *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, 32 FCC Rcd 7809, Appendix B (Sept. 27, 2017).

In its Consolidated Opposition and Response, EOS committed to take appropriate steps to remedy Iridium's concerns.<sup>3</sup> Consistent with that commitment, on November 16, 2020, EOS filed a letter requesting minor amendment of its application to delete reference to the 19.4-19.6 GHz and 29.1-29.5 GHz frequency bands, and to modify Schedule S associated with its application accordingly.<sup>4</sup>

If granted, the amendment sought by EOS would eliminate any frequency overlap between its proposed system and Iridium's feeder links, and thereby moot the concerns raised in Iridium's petition. Accordingly, Iridium hereby withdraws its petition, conditioned on the Bureau's acceptance of EOS' request to amend its application.

Respectfully submitted,

**IRIDIUM CONSTELLATION LLC**

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March 19, 2021

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<sup>3</sup> Consolidated Opposition and Response of EOS Defense Systems USA, Inc., IBFS File No. SAT-MOD-20200526-00057, at 3 (filed Sept. 10, 2020).

<sup>4</sup> Letter from Timothy L. Bransford, Counsel to EOS Defense Systems USA, Inc., to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-MOD-20200526-00057 (Nov. 16, 2020).

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Conditional Withdrawal of Petition to Deny of Iridium Constellation LLC was sent by electronic mail on March 19, 2021, to the following:

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*Counsel for EOS Defense Systems USA, Inc.*

/s/ Joseph A. Godles  
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