

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
ORBCOMM License Corp.	)	FCC Call Sign S2103
	)	
Application for Renewal of NVNG MSS Space	)	IB File No. SAT-_____
Station License	)	
	)	

APPLICATION FOR RENEWAL OF SPACE STATION LICENSE

Pursuant to Sections 308 and 309 of the Communications Act, 47 U.S.C. §§ 308 and 309, and pursuant to Section 25.121(e) of the Commission’s Rules, 47 C.F.R. § 25.121(e), ORBCOMM License Corp. (“ORBCOMM”) requests renewal of its space station license – FCC Call Sign S2103 – for its Non-Voice, Non-Geostationary Mobile Satellite Service (“NVNG MSS”) constellation (the “ORBCOMM System”). As demonstrated herein, ORBCOMM satisfies all applicable Commission standards for renewal of the ORBCOMM System space station license, and grant of this application will well serve the public interest.

The ORBCOMM System space station license was originally issued in 1994.¹ In accordance with the Commission’s Rules the term of the license commenced upon the April 11, 1995, submission to the Commission certifying launch of the first two ORBCOMM System satellites. In 2008, The Commission granted ORBCOMM’s modification application to renew

¹ *Orbital Communications Corporation*, 9 FCC Rcd 6476 (1994).

the license for an additional 15-year term commencing in April 2010 and ending in April 2025.² Under Section 25.121(e) of the Commission's Rules, a renewal application for a Non-Geostationary satellite system space station license such as ORBCOMM's must be filed no earlier than 90 days, and no later than 30 days, prior to the end of the twelfth year of the existing license term. Thus, this renewal application is timely filed.

The Commission's Rules and policies do not establish specific performance showing standards or other content requirements for NVNG MSS space station license renewal applications.³ In adopting its NVNG MSS service Rules, however, the Commission indicated that if sufficient spectrum remained available for competitive NVNG MSS systems, it would likely grant space station license renewal applications.⁴ Given the fact that the Commission has issued several other VHF-band and UHF-band NVNG MSS space station authorizations in recent years during ORBCOMM's current license term, granting ORBCOMM's renewal application clearly will not preclude competitive entry by other NVNG MSS operators. Accordingly, grant of this application would be fully consistent with Commission's stated standards for NVNG MSS space station license renewals.

² *ORBCOMM License Corp.*, 23 FCC Rcd 4804 (2008), at ¶ 26.

³ In granting ORBCOMM's renewal request in 2008, the Commission did so without any discussion of the standards that apply to NVNG MSS satellite license renewals. ORBCOMM also observes that the FCC's Form 312R only applies to Earth station renewals, so there is no form for electronic filing of an application for a Non-Geostationary space station renewal. Based upon the precedent of ORBCOMM's previous license renewal, ORBCOMM is filing this renewal application as a minor modification, and seeks a waiver to the extent one is necessary.

⁴ *Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Non-Voice, Non-Geostationary Mobile-Satellite Service*, 8 FCC Rcd 8450 (1993), at ¶ 17.

Additionally, grant of this application is also merited in the context of more explicit performance-related renewal standards that are applied by the Commission in other services; such as those that the Commission has codified for the wireless services:

[F]or renewal at the end of an initial license term, the licensee must demonstrate that it timely constructed to any level(s) required by the service-specific rules and, thereafter, consistent with our permanent discontinuance rules, continuously provided service or operated at or above the required level(s) for the remainder of the license term. For subsequent renewals, the licensee must demonstrate that, over the license term at issue, it continuously provided service to the public or operated under the license to meet the licensee's private, internal communications needs, at or above the level required to meet the final construction requirement during the initial term of the license.⁵

Alternatively, for some services the Commission allows renewal if the licensee has provided "substantial service", which means "service that is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal."⁶ Having maintained continuous global operation of the ORBCOMM System since 1995, with ORBCOMM System services currently authorized in more than 125 countries and territories throughout the world, ORBCOMM has clearly surpassed both of these other widely applied Commission renewal standards.

From the inception of the ORBCOMM System concept that lead to the submission of the original ORBCOMM System FCC space station license application in early 1990, ORBCOMM has been an industry leading pioneer in the development of innovative cost-efficient remote asset

⁵ *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services*, 32 FCC Rcd 8874 (2017), at ¶ 10.

⁶ *See, e.g.*, 47 CFR § 101.1413(b).

messaging, tracking, and monitoring solutions. Indeed, ORBCOMM's pioneering worldwide deployment of specialized remote tracking, monitoring, and control products and services that commenced in the 1990's has evolved into a key component of what has come to be known as today's Internet of Things ("IoT"). The ORBCOMM System currently provides customers in the United States and throughout the world with a broad range of satellite-based IoT offerings. These include remote asset tracking, monitoring, and control solutions specialized for various industrial sectors, such as land and sea supply chain transport, heavy construction equipment, energy production, agriculture, fishing and other maritime enterprises.

ORBCOMM also pioneered the development of space-based capabilities to detect and receive Automatic Identification System ("AIS") transmissions from AIS-equipped maritime vessels. Since 2008, the ORBCOMM System has incorporated AIS spacecraft receivers that allow for the worldwide monitoring and collection of data derived from AIS transmissions.⁷ As a result, ORBCOMM has become a worldwide leader in the provision of collected AIS data to public and private sector customers. Grant of this application will facilitate the ongoing availability of AIS data collected via the ORBCOMM System.

In sum, ORBCOMM satisfies or surpasses the Commission's requirements for renewal of the ORBCOMM System space station license. ORBCOMM requests expeditious action on this application so that it can continue to maintain and enhance the operations of the ORBCOMM System unimpeded by any uncertainty regarding the continuation of its NVNG MSS space station authorization. Grant of this application will ensure the ongoing worldwide availability of

⁷ *ORBCOMM License Corp.*, 23 FCC Rcd 4804 (2008), at ¶ 15.

the valuable services that ORBCOMM provides to its many customers, and thereby well serve the public interest, convenience, and necessity.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Walter H. Sonnenfeldt".

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