

MILBANK, TWEED, HADLEY & M^cCLOY LLP

1850 K STREET, NW, SUITE 1100

WASHINGTON, DC 20006

202-835-7500

FAX: 202-835-7586

PHILLIP L. SPECTOR

Phone: 202-835-7540

Fax: 202-263-7540

E-mail: pspector@milbank.com

NEW YORK

212-530-5000

FAX: 212-530-5219

LOS ANGELES

213-892-4000

FAX: 213-629-5063

LONDON

44-20-7615-3000

FAX: 44-20-7615-3100

FRANKFURT

49-69-71914-3400

FAX: 49-69-71914-3500

MUNICH

49-89-25559-3600

FAX: 49-89-25559-3700

BEIJING

8610-5969-2700

FAX: 8610-5969-2707

HONG KONG

852-2971-4888

FAX: 852-2840-0792

SEOUL

822-6138-3500

FAX: 822-6138-3555

SINGAPORE

65-6428-2400

FAX: 65-6428-2500

TOKYO

813-5410-2801

FAX: 813-5410-2891

SÃO PAULO

55-11-3927-7700

FAX: 55-11-3927-7777

August 25, 2017

ELECTRONIC FILING

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

Re: Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters (IB Docket No. 16-408)

Space Norway AS, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the Arctic Satellite Broadband Mission, IBFS File No. SAT-PDR-20161115-00111 (filed Nov. 15, 2016)

Dear Ms. Dortch:

Space Norway AS (“Space Norway”), by its attorneys, submits this *ex parte* letter in response to the letter submitted by the Arctic Slope Regional Corporation (“ASRC”) on August 9, 2017,¹ and to supplement the request for waiver of the domestic coverage

¹ Letter from Rex Allen Rock, Sr., President & CEO of ARSC, to Ajit V. Pai, Chairman, FCC, Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters (IB Docket No. 16-408) (Aug. 9, 2017) (the “ASRC Letter”).

requirement² that Space Norway made as part of its above-referenced petition to provide service to the United States market via Space Norway’s non-geostationary orbit (“NGSO”) satellite system, the Arctic Satellite Broadband Mission (the “ASBM”). The ASRC Letter encouraged the Federal Communications Commission (the “FCC” or the “Commission”) to issue the necessary approvals to help bridge the gap in broadband technology and accessibility that currently exists in the Arctic region, including Alaska, and requested that the Commission not grant any waivers of the domestic coverage requirement in connection with FCC authorization of NGSO systems.

Space Norway fully supports the objectives of the ASRC to bring “quality broadband connectivity” to the Arctic region, which has many unmet needs in this regard. Indeed, Space Norway’s ASBM is the only proposed satellite system in the FCC’s current NGSO processing round³ that is solely dedicated to bringing broadband to the Arctic. As explained below, however, without the requested waiver of the domestic coverage requirement, Space Norway will not be able to provide broadband services to the Arctic areas of the United States, primarily in Alaska.

The ASBM will provide innovative broadband communications solutions with pan-Arctic regional coverage through a cost-effective and technologically proven satellite constellation, comprised of two satellites in highly elliptical orbit whose service area will be above 55 degrees North Latitude. The ASBM’s less complex design and regional focus (as compared to proposed global NGSO constellations of hundreds or thousands of satellites) make the ASBM the perfect candidate for quickly providing broadband service to Alaskan towns and villages. Additionally, the ASBM satellite orbits will allow for full coverage of Alaska, as one active ASBM satellite will always be visible from any location in Alaska, and the properties of the ASBM are such that each satellite will appear to be virtually stationary above Arctic users, enabling stable communication through high elevation angles.⁴ The design of the ASBM will also facilitate compatibility with existing (geostationary) satellite user terminal equipment.

Therefore, Space Norway submits that, while a requirement to serve all of the United States may (or may not) be appropriate for other NGSO systems, the domestic coverage requirement is not appropriate for a system specifically designed as, and intending to operate solely as, a regional system for the Arctic. In this respect, the ASBM is quite different from

² Sections 25.145(c) and 25.146(i) of the Commission’s Rules, 47 C.F.R. §§ 25.145(c), 25.146(i), require applicants (and those seeking U.S. market access) for NGSO systems to demonstrate that their proposed system can provide service coverage (i) to all locations as far north as 70 degrees North Latitude and as far south as 55 degrees South Latitude for at least 75% of every 24-hour period and (ii) on a continuous basis throughout the 50 states, Puerto Rico and the U.S. Virgin Islands.

³ See FCC Public Notice, DA 17-524 (May 26, 2017).

⁴ For use in Alaska, the high elevation angles of the ASBM compare favorably to the very low elevation angles of geostationary satellites providing Alaskan coverage. These low elevation angles contribute to the “limited functionality” of “GEO” satellites for Arctic communications, as mentioned in the ASRC letter.

other proposed NGSO systems planned with global coverage, and, as a regional system, the ASBM should not be required to comply with the domestic coverage requirement.

Because the provision of fixed-satellite service on a continuous basis throughout the 50 states, Puerto Rico, and the U.S. Virgin Islands is neither feasible within the technical design of the ASBM nor part of Space Norway's intended target market, because a waiver for Space Norway of Sections 25.145(c) and 25.146(i) of the Commission's Rules would not undermine the Rules' purposes, and because such a limited waiver is necessary to assure the provision of service to Alaska from the ASBM, Space Norway respectfully requests that the Commission grant Space Norway's request for a waiver of the domestic coverage requirement.

Respectfully submitted,

/s/ Phillip L. Spector

Phillip L. Spector
Lafayette Greenfield
Attorneys for Space Norway AS

cc: Rex A. Rock Sr., President & CEO, Arctic Slope Regional Corporation