



September 16, 2019

VIA ELECTRONIC FILING

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

Re: *Cut-off Established for Additional NVNG MSS Applications or Petitions for Operations in the 399.9-400.05 MHz and 400.15-401 MHz Bands*, Public Notice, DA 19-779 (rel. Aug. 15, 2019); and

IBFS File Nos. SAT-PDR-20190328-00020, SAT-PDR-20190321-00018, and SAT-PDR-20180910-00069.

Dear Ms. Dortch:

Hiber Inc. (“Hiber”) submits this letter in the above-referenced proceedings in response to the Federal Communications Commission (“Commission”) public notice establishing a processing round for satellite systems seeking to operate in the 399.9-400.05 MHz and 400.15-401 MHz bands (the “UHF MSS Bands”).¹ As the Commission stated in the public notice, Hiber has a pending market access request seeking authority to provide services in the United States using the UHF MSS Bands.² In that market access request, Hiber also sought a waiver of the Commission’s rules to allow the company to use those frequencies without the initiation of a processing round.³ To support its waiver request, Hiber stated that it could operate its system in a way that could accommodate future systems providing services in the United States using the UHF MSS Bands.⁴

Given the decision to initiate a processing round and essentially deny the waiver request, the Commission should disregard Hiber’s statement. The statement was made in support of the grant of the waiver request and, accordingly, is no longer applicable. In short, Hiber should be treated the same, and have all the same rights and benefits, as all other timely-filed processing round participants.⁵

¹ *Myriota Pty. Ltd. Petition Accepted for Filing, IBFS File No. SAT-PDR-20190328-00020, Cut-off Established for Additional NVNG MSS Applications or Petitions for Operations in the 399.9-400.05 MHz and 400.15-401 MHz Bands*, Public Notice, DA 19-779 (rel. Aug. 15, 2019).

² See Hiber, Inc., *Petition for Declaratory Ruling*, IBFS File No. SAT-PDR-20180910-00069 (filed Sept. 10, 2018) (“Hiber Petition”). Although the Hiber satellite system uses other frequency bands, it does not transmit or receive in those frequency bands to or from the United States.

³ See, e.g., Hiber Petition, Narrative at 7.

⁴ See *id.* at 8; see also Hiber Petition, Technical Annex, at 7-8.

⁵ Any contrary conclusion would be unfair to Hiber, as well as potentially, the other two participants in the processing round, Myriota Pty. Ltd. and Spire Global, Inc., each of which also essentially stated that they could share the UHF MSS Bands with others if authorized to use those frequencies without the initiation of a processing round. See Myriota Pty. Ltd., *Petition for Declaratory Ruling*, IBFS File No. SAT-PDR-20190328-00020, Waiver Request at 3-6 (filed Mar. 28, 2019); see also Spire Global, Inc., *Petition for Declaratory Ruling*, IBFS File No. SAT-PDR-20190321-00018, Exhibit A at 13-14 (filed Mar. 21, 2019);



Please direct any questions regarding this letter to the undersigned.

Very truly yours,

/s/ Bruce Henoeh

Bruce Henoeh

CERTIFICATE OF SERVICE

I, Bruce Henoch, hereby certify that, on September 16, 2019, a true and correct copy of the foregoing letter was sent by United States mail, first-class postage prepaid, to the following:

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Very truly yours,

/s/ Bruce Henoch

Bruce Henoch