

Morgan Lewis

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July 6, 2020

Via IBFS

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

**Re: Notice of Ex Parte Communication - IBFS File No. SAT-PDR-20200228-00021;
Call Sign S3064**

Dear Ms. Dortch:

On July 1, 2020, Dr. Sara Spangelo, Chief Executive Officer, Dr. Kyle Wesson, Regulatory Engineer, and Annette Purves, Head of Market Access, of Swarm Technologies, Inc. (Swarm), along with Tim Bransford and Osamu Okuyama, of Morgan, Lewis & Bockius LLP, met by conference call with the following personnel from the Federal Communications Commission's International Bureau, Satellite Division to discuss the above-referenced petition for declaratory ruling (UHF Petition) seeking United States market access for a constellation of Ultra High Frequency (UHF) Non-Voice, Non-Geostationary (NVNG) communications satellites.

Jose Albuquerque	Division Chief
Karl Kensinger	Deputy Division Chief
Kathryn Medley	Chief, Engineering Branch
Alyssa Roberts	Legal Advisor, Policy Branch
Samuel Karty	Engineer, Engineering Branch

Swarm discussed the company's rapid progress deploying its previously authorized commercial Very High Frequency (VHF) NVNG satellite constellation. Specifically, Swarm briefed the Commission on the pending launch of its first twelve commercial VHF spacecraft, on advances in the design of end user ground station terminals (which are concluding FCC equipment authorization), and on future improvements contemplated for Swarm's VHF spacecraft (*e.g.*, active attitude and propulsion capabilities for future collision-avoidance). Swarm emphasized that the customer demand for Swarm's VHF NVNG network has far exceeded our expectations prior to the first commercial launch. In addition, Swarm discussed the company's commitment to design, manufacture and operate its satellite systems in the U.S., and reaffirmed our commitment to ensuring U.S. leadership in space.

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Swarm further discussed how near-term spectrum capacity constraints will affect the company's ability to effectively serve its federal and commercial customers, and how these constraints necessitated the UHF Petition for a UHF NVNG system, which will complement Swarm's already approved (and soon to be launched) VHF NVNG constellation. Swarm highlighted that it is a strong, well-funded candidate for market access, with the ability to expeditiously bring its proposed UHF NVNG system into service. Swarm further emphasized that its UHF Petition is spectrally efficient, seeking only 140 kHz of 850 kHz allocated for space-to-Earth communications in the UHF NVNG service.

Swarm reaffirmed why the Commission should act on its UHF Petition concurrently with other participants in the FCC's UHF NVNG processing round. In particular, Swarm emphasized why treating its UHF Petition as an applicant in the processing round does not harm or otherwise prejudice other petitioners given that the Commission had not granted market access to any other UHF NVNG system when Swarm filed. Nor does such treatment undermine the FCC's processing round mechanism given that parties with pending applications have no expectation in a specific frequency assignment, and must coordinate and deconflict with other applicants in good faith to avoid a worst-case outcome where the Commission is forced to undertake a band-splitting exercise. Conversely, we stressed that excluding Swarm from the instant processing round would materially harm the company by making Swarm the only NVNG system without access to UHF spectrum, while at the same time diluting our existing spectrum capacity through the Commission's ongoing VHF NVNG processing round. Finally, Swarm clarified that it has undertaken outreach to the other applicants in the UHF NVNG processing round to discuss the assertions made in their petitions regarding their respective capabilities to coordinate and share spectrum.

To the extent you have questions or concerns, please feel free to contact the undersigned.

Very truly yours,

/s/

Timothy Bransford
(Outside Counsel to Swarm Technologies, Inc.)

cc (via email):
Jose Albuquerque
Karl Kensinger
Kathryn Medley
Alyssa Roberts
Samuel Karty