



August 29, 2016

VIA IBFS

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

Re: *Ex Parte* Letter – File Nos. SAT-MOD-20150802-00053; SAT-LOA-20151123-00078; SAT-STA-20150821-00060

Dear Ms. Dortch:

On August 25, 2016, ORBCOMM, represented by the undersigned, participated in a telephone call with Jose Albuquerque, Chief of the Satellite Division, to address the above-referenced applications filed by Planet Labs, Inc. (“Planet Labs”), Spire Global, Inc. (“Spire”) and Spaceflight, Inc. (“Spaceflight”). During that call, ORBCOMM explained that “off the record” efforts to resolve matters with Planet Labs and Spire remain ongoing, but Spaceflight continues to be non-responsive.

ORBCOMM informed Dr. Albuquerque that, earlier in the day (August 25th), it provided counsel to Planet Labs and Spire a markup of the draft agreement between ORBCOMM and Planet Labs relating to conjunction alert procedures and licensing conditions.¹ Recognizing the time constraints associated with the timing of Spaceflight’s proposed SHERPA secondary satellite payload deployment mission, ORBCOMM indicated that it could submit proposed license conditions for the above-referenced applications that would address ORBCOMM’s concerns, in lieu of entering agreements with the parties. Dr. Albuquerque encouraged ORBCOMM to continue working towards mutually acceptable agreements that can form a basis for Commission action on the above-referenced applications.

ORBCOMM also addressed matters raised in Spire’s August 24, 2016, *Ex Parte* Letter (the “Spire Letter”) relating to the possible future launch of Spire satellites into orbits that could

¹ On August 26, 2016, counsel to Planet Labs and Spire provided ORBCOMM a first draft of a similar proposed agreement between ORBCOMM and Spire. There have been several further exchanges between ORBCOMM and counsel to Planet Labs and Spire as of the submission of this *Ex Parte* Letter.



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pose collision hazards for ORBCOMM's satellite fleet. Contrary to the assertion in the Spire Letter, ORBCOMM confirmed that its suggestion to proceed in a "grant in part, defer in part" manner with respect to any such Spire satellites, is not a new proposal, but had been raised by ORBCOMM at an April 19, 2016, Commission-organized meeting with ORBCOMM, Spire, and Planet Labs. As demonstrated by ORBCOMM's pleadings, Spire's desire to have the flexibility to launch a wide range of satellites into an un-specified variety of orbits in order to take advantage of secondary payload opportunities is not consistent with the Commission's Rules and policies. ORBCOMM also advised Dr. Albuquerque that ORBCOMM must reject Spire's new proposal for a full grant of Spire's application with a requirement that Spire submit an "Orbital Debris Assessment Report ("ODAR") for an elliptical orbit deployment exceeding a 650 km orbital altitude, on a launch-by-launch basis" (with an explicit bar on any comments or oppositions).² Among other things, Spire's new proposal contravenes the Commission's procedural rules, and would clearly prejudice ORBCOMM. Accordingly, ORBCOMM advised Dr. Albuquerque that it continues to appear that a "grant in part, defer in part" approach (with application amendments as necessary), at least for Spire launches into orbits intersecting with ORBCOMM, is the only viable way forward.

ORBCOMM and Dr. Albuquerque also further discussed the need for the Commission to specify clear license condition criteria for aborting SHERPA separation from the Falcon 9 second stage, as well as release of the SHERPA mission secondary payload satellites, in the event of a SpaceX Formosat-5 launch mission anomaly that precludes lowering the Falcon 9 2d stage from the Formosat-5 720 km circular release orbit to the specified 450 x 720 km SHERPA release orbit. ORBCOMM expressed the view that any grant of the above-referenced applications should include deployment abort criteria (appropriate to the particular applicant), even if it is not entirely clear which of the parties may have ultimate abort authority.

² Spire Letter, at p.2, and FN 7.

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Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically in the above-referenced proceedings. Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,

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

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cc: Dr. Jose Albuquerque