

Before the
FEDERAL COMMUNICATIONS
COMMISSION
Washington, DC 20554

In the Matter of

Application of Tyvak Nano-Satellite Systems Inc. for a 60-Day Special Temporary Authorization To Provide Tracking, Telemetry & Command To Its In-Orbit Satellites)	Call Sign: N/A
)	File No.: SES-STA- <u>1055-EX-ST-2019</u>

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Tyvak Nano-Satellite Systems Inc. (“Tyvak”), pursuant to Section 25.120 of the Commission’s rules, 47 C.F.R. § 25.120, respectfully seeks a 60-day special temporary authorization (“STA”) to operate 2 earth stations (the “400 MHz Yagi”) at a rooftop facility in Fairbanks, Alaska and San Diego, California to communicate with Tyvak’s low-Earth orbit (“LEO”) non- geostationary satellite orbit (“NGSO”) cubesats Tyvak-0161, Tyvak-0162, and Tyvak-0172. Tyvak seeks to perform tracking, telemetry and command (“TT&C”) to provide housekeeping and subsystem control for the Subject spacecraft in the 401-402 MHz band (Earth-to- space/space-to-Earth).

Tyvak seeks to commence TT&C operations on June 27th, 2020, or as soon as practicable thereafter, to support the immanent launch campaign of these three spacecraft, and ensure they are found and commissioned. This STA is due to an unforeseen mechanical failure of the spacecraft’s primary ground station in Bardufoss Norway, which has left Tyvak unable to adequately communicate with the CICERO spacecraft. This is similar to a 30-day STA that was previously approved on September 26th, 2018 for CICERO spacecraft. Tyvak seeks the instant 60-day STA to perform TT&C from its own U.S. earth station facility in Alaska while

the Bardufoss, Norway ground station is restored to operational.

I. BACKGROUND

Tyvak is an Irvine, California-based company that provides nanosatellite products and services supporting state-of-the-art commercial and scientific Earth exploration satellite service (“EESS”) missions. Tyvak currently holds multiple experimental licenses from the Commission, including for the first demonstration satellite of the CICERO mission.¹ The subject spacecraft, which operate pursuant to authority granted by the Norwegian Communications Authority (“Nkom”),² are technically similar versions of the 6U cubesat previously described to the Commission in the CICERO Experimental License.³

The operations proposed herein are fundamentally similar to those previously approved by the Commission in the CICERO Experimental License and Tyvak will operate consistent with its existing experimental authorization. In the instant request, Tyvak seeks short-term authority to conduct TT&C operations for the Norwegian-licensed Subject spacecraft in the 401-402 MHz band (Earth-to-space/space-to-Earth). Grant of this STA request is important for the ongoing reliability of the mission following the failure of Tyvak’s Norway ground station and, at a minimum, will

¹ See Tyvak Nano-Satellite Systems Inc., File No. 0399-EX-PL-2016, Call Sign WI2XKJ (“CICERO Experimental License”)

² See Technical Appendix, III. Pursuant to the regulatory procedures adopted by Nkom, the attached submission of Advance Publication Information to the International Telecommunications Union (“ITU”) constitutes the Nkom authorization action for the CICERO spacecraft.

³ The CICERO satellites will operate under the Tyvak-0082 ITU NGSO system filings. Tyvak acknowledges that authority for TT&C operations does not constitute market access to the United States for the Tyvak satellites and therefore is not providing the full technical information required by Sections 25.114 and 25.137 of the Commission’s rules, 47 C.F.R. §§ 25.114 and 25.137. See, e.g., SES Americom, Inc., File No. SES-MFS-20160624-00607, Call Sign E050287 (granting authority for an earth station to provide TT&C services to the foreign-licensed ASTRA 3A operating at 86.85° W.L.); Hawaii Pacific Teleport, L.P., File No. SES-MFS-20131030-00913, Call Sign E030115 (granting authority for an earth station to provide TT&C services to ASTRA 3A operating at 176.85° W.L.).

support the proposed regular earth station operations from the Alaska and San Diego sites. The proposed operations will be conducted on an unprotected and non-interference basis and only as needed to communicate with the Subject spacecraft as they pass over the Alaska and San Diego earth station (several times per day with an average access time of seven to ten minutes).

Tyvak provides the attached Technical Appendix for information relating to the proposed earth station operations and the Subject spacecraft. In addition, Tyvak will conduct these earth station operations in accordance with the Commission's rules and interagency requirements governing fixed earth station operations in the subject band. The proposed TT&C operations are fundamentally similar to Tyvak's existing operations at its San Diego site in the 401.15 MHz band which have caused no interference to other users of the band. Grant of the requested STA – which is necessitated by operational limitations preventing the effective TT&C communications with the Subject spacecraft – will serve the public interest, convenience and necessity.

II. DISCUSSION

Tyvak seeks to operate four 400 MHz Yagis in the 401-402 MHz band (Earth-to-space/space-to-Earth) to provide near-term TT&C support for the Subject spacecraft. The spacecraft, which have just been launched have a mission life of over two years and an orbit period of approximately 1.6 hours. The spacecraft operate in a sun-synchronous orbit with an orbital altitude of approximately 500 km and an inclination of 97.8°. The technical specifications of the spacecraft are included in the technical appendix along with the Nkom Authorization⁴ for additional information relating to the spacecraft. Grant of this STA request is critical for the ongoing launch campaign, and the overall success of the mission and supporting TT&C services.

A. TT&C Frequency Use

The United States Table of Frequency Allocations (“Table of Allocations”), Section 2.106 of the Commission's rules, 47 C.F.R. § 2.106, provides that the 401-402 MHz band is

shared on a co-primary basis between meteorological aids and space operations services. Tyvak seeks to perform TT&C uplink and downlink operations in the 401-402 MHz band pursuant to the co- primary space operations allocation in this band.⁵ Tyvak understands that there are certain U.S. government meteorological aids and earth exploration operations conducted in the 401-402 MHz band.⁶ Tyvak will operate on an unprotected, non-interference basis and, if it learns that its operations are causing harmful interference to other operations, it will suspend or modify its operations to resolve such interference. Based on our research and consultations to date, Tyvak has not identified any terrestrial or earth station operations and believes the proposed TT&C operations in this band will not present a potential for interference to other spectrum users of this band.

B. STA Request & Public Interest Considerations

Tyvak respectfully requests this 60-day STA pursuant to Section 25.120 of the Commission's rules, 47 C.F.R. § 25.120. Section 25.120(a) provides that STA requests should

⁵ See 47 C.F.R. § 2.1 (defining "space operations" as "a radiocommunication service concerned exclusively with the operation of spacecraft, in particular space tracking, space telemetry, and space telecommand.").

⁶ See https://www.ntia.doc.gov/files/ntia/publications/compendium/0401.00-0402.00_01MAR14.pdf.

be filed at least three working days prior to the date of commencement of the proposed operations. Here, Tyvak seeks a commencement date of July 26th, 2020.

Grant of this STA request is in the public interest because it will facilitate the safe operation of the Subject satellites in the near-term from a Tyvak-licensed facility and ensure uninterrupted TT&C support following the electrical failure of Bardufoss, Norway antenna. Grant of this STA request will also promote U.S. leadership in the development next-generation satellite technologies by enabling a U.S. ground station to support the evaluation of the benefits and commercial viability of Tyvak's EESS and atmospheric monitoring services.

I. CONCLUSION

In view of the foregoing, including the importance of reliable TT&C operations, the public interest would be served by a grant of a 60-day STA to allow Tyvak to perform TT&C functions for the Subject spacecraft in the 401-402 MHz band from Fairbanks, Alaska, commencing on July 8th, 2019 or as soon as practicable thereafter.,