



Federal Communications Commission  
Washington, D.C. 20554

**DA 07-4160**

October 5, 2007

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Walter H. Sonnenfeldt  
Orbcomm, Inc.  
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Re: Modification Application of Orbcomm License Corp.  
IBFS File No. SAT-MOD-20070531-00076  
IBFS File No. SAT-STA-20070919-00127  
Call Sign: S2103

Dear Mr. Goodman and Mr. Sonnenfeldt:

On May 31, 2007, you filed, on behalf of Orbcomm License Corp., a modification application to construct, launch, and operate 25 new non-voice, non-geostationary (Little LEO) satellites to replenish, augment and enhance Orbcomm's Little LEO mobile-satellite service constellation. We dismiss a portion of the application seeking launch authority for space stations capable of operating in the 435 MHz band, without prejudice to re-filing.

In its Modification Application, Orbcomm states that seven of the satellites for which it seeks authorization incorporate two 15 kilohertz half-duplex up- and down-link channels in the 435 MHz band that could be used for tracking, telemetry and control (TT&C) functions. Orbcomm indicates that these space stations could be used in conjunction with earth stations in Germany and Russia during the initial testing phase of these satellites.<sup>1</sup> The Commission's rules require that TT&C functions be conducted at the edges of the bands allocated for the satellite service,<sup>2</sup> but the 435 MHz frequency

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<sup>1</sup> Modification Application of Orbcomm License Corp. (Modification Application), Narrative Description at 3 n.6.

<sup>2</sup> 47 C.F.R. § 25.202(g). This rule serves the purposes of simplifying the coordination process among co-frequency systems, and promoting efficient spectrum use, because it effectively limits satellite operators to

band is not allocated to any service in which Orbcomm proposes to operate,<sup>3</sup> or to the space operation service.<sup>4</sup> We therefore dismiss this portion of the Modification Application, without prejudice to re-filing.

We note that on September 19, 2007, Orbcomm indicated that it has secured a firm launch date of December 20, 2007, for launch of these satellites.<sup>5</sup> In light of the imminent launch, and the fact that Orbcomm contemplates using the 435 MHz band for immediate post launch activities,<sup>6</sup> we request that any amendment of Orbcomm's application concerning this frequency band request both launch and operating authority.<sup>7</sup> Any such request should include justification for a waiver to operate in a manner not in compliance with the Commission's rules.<sup>8</sup>

We also note that Orbcomm states that it is considering implementing uplink capabilities in the 400 MHz band in the other 18 satellites proposed in its modification application.<sup>9</sup> As Orbcomm notes in the application, this frequency band is allocated for space-to-Earth downlink transmissions only. We do not construe Orbcomm's statement to constitute a request for construction, launch, or operating authority for uplink capacity in this band. If Orbcomm proposes to launch space stations incorporating uplink capacity in the 400 MHz band, it must file a request to launch that capacity, and must be granted authority to do so, before any such space station may be launched.<sup>10</sup> If uplink operations in that band are not allocated when Orbcomm requests launch and operational authority, Orbcomm must justify a waiver of the Commission's rules to operate in a non-compliant manner.<sup>11</sup>

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operating TT&C links in the same frequency bands in which they provide service. *See* Wireless Operations in the 3650-3700 MHz Band, *Report and Order and Memorandum Opinion and Order*, 20 FCC Rcd 6502, 6533 ¶ 87 (2005) (*Extended C-Band Order*); Amendment of the Commission's Rules with Regard to the 3650-3700 MHz Government Transfer Band, *First Report and Order and Second Notice of Proposed Rulemaking*, 15 FCC Rcd 20488, 20538 ¶ 129 (2000).

<sup>3</sup> *See* 47 C.F.R. § 2.106. We note that amateur satellite and earth exploration satellite services (active) are permitted in this band under some circumstances and conditions. 47 C.F.R. § 2.106, notes 5.282, US397.

<sup>4</sup> *See* 47 C.F.R. §2.1(c), definition of Space Operation Service.

<sup>5</sup> Orbcomm License Corp. Request for Special Temporary Authority, File No. SAT-STA-20070919-00127, Narrative at 1.

<sup>6</sup> Modification Application at Narrative Description at 3-4 n.6.

<sup>7</sup> 47 C.F.R. § 25.113(g). *See also* ITU Radio Regulation 18.1 (requiring a license for a transmitting station "established or operated by a private person or enterprise") and 47 U.S.C. § 303(r).

<sup>8</sup> 47 C.F.R. § 25.112(a). Alternatively, Orbcomm may commit to no space station TT&C transmissions in this frequency band, or provide information concerning the licensing administration for space station operations in the 435 MHz band.

<sup>9</sup> Modification Application at Narrative Description at 4 n.7.

<sup>10</sup> 47 C.F.R. § 25.113(g).

<sup>11</sup> *See, e.g.*, 47 C.F.R. § 25.112(a)(3).

We find that the request for launch authority incorporating TT&C capacity in the 435 MHz frequency band is defective. Accordingly, pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261(a)(4), we dismiss this portion of the application, without prejudice to re-filing.<sup>12</sup>

Sincerely,

Robert G. Nelson  
Chief, Satellite Division  
International Bureau

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<sup>12</sup> If Orbcomm re-files this portion of its application, it need not pay a further application fee. *See* 47 C.F.R. § 1.1109(d).