



PUBLIC NOTICE

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SATELLITE POLICY BRANCH INFORMATION

MYRIOTA PTY. LTD. PETITION ACCEPTED FOR FILING, IBFS FILE NO. SAT-PDR-20191118-00135 CUT-OFF ESTABLISHED FOR ADDITIONAL NVNG MSS APPLICATIONS OR PETITIONS FOR OPERATIONS IN THE 137-138 MHz and 148-150.5 MHz BANDS

Myriota Pty. Ltd. petitions the Commission for a declaratory ruling to provide non-voice, non-geostationary orbit (NVNG) mobile-satellite service (MSS) to the United States using a proposed constellation authorized by Australia. In this public notice we accept Myriota's petition for filing and establish a pleading cycle and *ex parte* procedures for its consideration. We also initiate a processing round for additional applications and petitions for operations in the 137-138 MHz (space-to-Earth) and 148-150.5 MHz (Earth-to-space) bands. Swarm Technologies was recently licensed for operations in these bands, subject to inclusion in any processing round that may be initiated for these bands.¹ Accordingly, both Myriota's and Swarm Technologies' applications are considered lead applications in this processing round.² However, the Swarm Technologies' application has already been the subject of a separate accepted for filing notice that did not initiate a processing round,³ and is included in this processing round for the purposes of any modifications to the Swarm authorization resulting from consideration of the lead and competing applications in this processing round.⁴

¹ Swarm Technologies, Inc., Memorandum Opinion, Order and Authorization, DA 19-1044, para. 17 (IB rel. Oct. 17, 2019) (Swarm Order).

² See 47 CFR § 25.157(c).

³ Public Notice, Satellite Policy Branch Information, Report No. SAT-01374 (March 1, 2019).

⁴ On November 18, 2019, Myriota filed a petition requesting clarification of the Swarm Order. Myriota Pty. Ltd. Petition for Clarification (filed Nov. 18, 2019). Specifically, Myriota requests a clarification regarding: (i) the conditions for initiating a processing round in the NVNG VHF bands; (ii) how Swarm would be included in such a processing round; and (iii) the effect of Swarm's operations, or any system authorized in the future, on Orbcomm's authorized operations. This public notice addresses items (i) and (ii). With respect to (iii), the matter concerning Swarm's operations as they relate to Orbcomm's operations was addressed in the Swarm Order. See Swarm Order, paras. 11-13. Likewise, how future authorizations for other systems may affect Orbcomm's operations will be examined on a case-by-case basis in the context of individual applications. As a result, no further action is necessary concerning Myriota's petition for clarification.

Myriota Petition. Myriota proposes to operate its NVNG MSS system in the 137-138 MHz (space-to-Earth) and 148-150.5 MHz (Earth-to-space) frequency bands using the same 26-satellite constellation described in IBFS File No. SAT-PDR-20190328-00020. In its petition, Myriota requests a limited waiver of section 25.142(a)(1), to the extent it requires applicants to demonstrate they will not cause unacceptable interference to authorized NVNG MSS systems, and of section 25.114, to address limitations in the Schedule S form.⁵

Accepted for filing. The Myriota petition is accepted for filing. The Commission reserves the right to return any application or petition if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Pleading cycle. Interested parties may file comments concerning the lead applications no later than **April 6, 2020**. Responses and oppositions must be filed no later than **April 16, 2020**. Replies to oppositions must be filed no later than **April 21, 2020**.

· *Persons with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

· *Electronic Filings:* Comments must be filed using the Commission's International Bureau Filing System at <http://licensing.fcc.gov/myibfs/pleading.do>.

Additional applications. We invite additional applications and petitions for declaratory ruling for NVNG MSS satellite operations in the 137-138 MHz (space-to-Earth) and 148-150.5 MHz bands. Applications and petitions filed by May 4, 2020 will be considered together with Myriota and Swarm. Requests filed after this date may not be entitled to shared use of this spectrum with respect to any grant of applications or petitions filed prior to the cut-off date. Applications must be filed electronically through IBFS at <http://licensing.fcc.gov/myibfs>.

Ex parte status. Myriota's petition for declaratory ruling is subject to the "permit-but-disclose" provisions of the Commission's rules governing *ex parte* communications. 47 CFR § 1.1206. To provide for uniformity of treatment, we will also treat any other applications considered in this processing round under the "permit-but-disclose" provisions of the *ex parte* rules.

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⁵47 CFR §§ 25.142(a)(1) and 25.114(c)(4)(v).