Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

SWARM TECHNOLOGIES INC.

Application for Authority to Launch and Operate a Non-Voice, Non-Geostationary Lower Earth Orbit Satellite System in the Mobile-Satellite Services

File No. SAT-LOA-20181221-00094

PETITION TO DISMISS, DENY, OR HOLD IN ABEYANCE

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April 1, 2019
SUMMARY

The Swarm Application seeks authority to launch and operate a non-geostationary mobile satellite service system pursuant to the Commission’s NVNG MSS Rules and policies. As the initiator of and licensee under the NVNG MSS Rules, ORBCOMM has a clear interest in the Application. ORBCOMM’s original 1994 license, as modified in the Second Processing Round and further modified to add the “System-1” frequencies, established ORBCOMM’s primary interference-protected right to spectrum access for subscriber uplink operations throughout the entire 148 – 150.05 MHz NVNG MSS uplink band, subject only to possible future entry by one or more FCC-authorized NVNG MSS systems that must employ co-frequency interference avoidance technology to facilitate intra-service spectrum sharing in accordance with the Commission’s Rules and policies. As demonstrated in this Petition, the Application fails to comport with those NVNG MSS intra-service sharing requirements, and otherwise violates the Commission’s Rules.

When establishing the initial service rules for the NVNG MSS, the Commission worked with NTIA to develop techniques that would allow the NVNG MSS subscriber uplinks in the 148-149.9 MHz band to share that spectrum without causing harmful interference to terrestrial Federal users. As a result, various specific required technical characteristics and operational techniques that must be employed by NVNG MSS systems to ensure interference protection for the fixed and mobile services are incorporated in the Commission’s Rules. The Application entirely fails to recognize these long-established interservice co-primary spectrum sharing requirements, and provides no demonstration whatsoever as to how Swarm’s proposed system will comply with them. Among other things, the subscriber transmitter uplink EIRP proposed in the Application far exceeds the power limits specified in the Rules, and the services described in the Application appear to be patently incompatible with the NVNG MSS operating constraints required by Commission’s Rules and policies.

In addition, the Application contravenes the Commission’s NVNG MSS Rules and policies because Swarm’s System does not incorporate the requisite co-frequency interference avoidance technology for subscriber uplink operations to facilitate sharing among NVNG MSS systems, and Swarm has made no attempt whatsoever to engage in the required prior coordination or even consult in any manner with ORBCOMM regarding spectrum sharing. Furthermore, the spectrum utilization proposal presented in the Application unequivocally fails to demonstrate that Swarm’s proposed system can operate without causing unacceptable harmful interference to ORBCOMM’s authorized operations.

An NVNG MSS applicant is required to demonstrate that they will not cause unacceptable interference to the incumbent licensees. The Application unmistakably fails to make any such demonstration. Swarm simply (and erroneously) asserts that it will not be sharing any frequencies with ORBCOMM. The Commission’s NVNG Rules and policies, including the results of the Second Processing Round and the accompanying spectrum assignments, are based on a very specific sharing schemes and co-frequency spectrum sharing technologies.
While ORBCOMM believes it may be possible to coordinate with one or more new entrants that propose systems comporting with the Commission’s NVNG MSS Rules and policies, the satellite system currently proposed by Swarm in the Application is not such a system. ORBCOMM also questions whether it would be appropriate to grant Swarm’s waiver request to bypass the processing round procedures, because grant of the Application would appear to preclude any future entry. At a minimum ORBCOMM urges the Commission to review the petitions, oppositions, and any other pleadings submitted in this proceeding before taking any decision concerning the possible opening of a new NVNG MSS processing round.

In light of the significant defects identified in this Petition, ORBCOMM believes that the Commission should deny or dismiss the Application. At the very least, the Commission should hold the Application in abeyance until Swarm comprehensively amends the Application to demonstrate that the Swarm System will comply with all of the Commission’s requirements for NVNG MSS applicants.
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In the Matter of

SWARM TECHNOLOGIES INC.

Application for Authority to Launch and Operate a Non-Voice, Non-Geostationary Lower Earth Orbit Satellite System in the Mobile-Satellite Services Band

File No. SAT-LOA-20181221-00094

PETITION TO DISMISS, DENY, OR HOLD IN ABEYANCE

ORBCOMM License Corp. ("ORBCOMM") hereby requests that the Commission dismiss or deny the above-captioned application ("Application") filed by Swarm Technologies Inc. ("Swarm").\(^1\) Swarm’s Application unequivocally fails to comply with the Commission’s Rules because it does not demonstrate that the contemplated operations of Swarm’s proposed non-geostationary orbit satellite system (the "Swarm System") will conform to the requirements for the Non-Voice, Non-Geostationary Mobile Satellite Service ("NVNG MSS"). Among other things, the Application attempts to simply ignore ORBCOMM’s clearly vested NVNG MSS spectrum rights. The Application as filed unquestionably fails to demonstrate that the proposed Swarm System can share the very limited available NVNG MSS spectrum without causing unacceptable harmful interference to ORBCOMM’s authorized NVNG MSS operations. The Application is thus patently defective, contravenes the Commission’s Rules, and should be

dismissed or denied. At a minimum, the Commission should hold the Application in abeyance pending Swarm’s submission of an amendment setting forth a spectrum sharing proposal that properly recognizes ORBCOMM’s interference protection rights, and is otherwise in accordance with the Commission’s NVNG MSS Rules and policies.

I. The Application Should Be Denied or Dismissed Because Swarm Does Not Demonstrate Compliance with the Commission’s Rules

The Application seeks authority to launch and operate a non-geostationary mobile satellite service system pursuant to the Commission’s NVNG MSS Rules and policies. ORBCOMM was instrumental in the creation of the NVNG MSS, having filed both the original petition for rulemaking to allocate spectrum and create the NVNG MSS service rules, and the first Commission NVNG MSS space segment license application back in 1990. The Commission granted ORBCOMM’s initial space segment license in 1994, and it granted a modification to that authorization in 1997 as part of the second processing round. In addition, in connection with the deployment of ORBCOMM’s second-generation satellite system, the Commission further modified ORBCOMM’s satellite license authorizing ORBCOMM’s use of additional frequencies – the “System 1” frequencies from the second processing round. Among


other things, the addition of the System 1 frequencies combined with ORBCOMM’s NVNG MSS authorization by the *ORBCOMM 2008 Modification Order* established ORBCOMM’s primary interference-protected right to spectrum access for subscriber uplink operations throughout the entire 148 – 150.05 MHz NVNG MSS uplink band, subject only to possible future entry by one or more FCC-authorized NVNG MSS systems that must employ co-frequency interference avoidance technology to facilitate intra-service spectrum sharing in accordance with the Commission’s Rules and policies, including the spectrum sharing edicts set forth in the *Second Processing Round Order*.\(^5\) ORBCOMM’s vested spectrum rights are thus clearly implicated by the Application.

The Application contravenes the Commission’s NVNG MSS Rules and policies because *Swarm*’s System *does not incorporate the requisite co-frequency interference avoidance technology* for subscriber uplink operations to facilitate sharing among NVNG MSS systems, *and* Swarm has made no attempt whatsoever to engage in the required prior coordination or even consult in any manner with ORBCOMM regarding spectrum sharing. Furthermore, the spectrum utilization proposal presented in the Application unequivocally fails to demonstrate that Swarm’s proposed NVNG MSS system can operate without causing unacceptable harmful interference to ORBCOMM’s authorized NVNG MSS operations.

\(^5\) *ORBCOMM 2008 Modification Order*, at ¶¶ 10-11 & 23(a). See, also, *e.g.*, *Second Processing Round Order*, at ¶¶ 50, 56, and 63-64. The Application not only blatantly mischaracterizes ORBCOMM’s spectrum rights as an NVNG MSS licensee, but also ignores and obfuscates the Commission’s established NVNG MSS inter-system spectrum sharing policies and associated technical requirements for new entry. Instead, the Application requests band segmentation of the very limited available NVNG MSS uplink spectrum in the 148 MHz band to support exclusive subscriber uplink spectrum to compensate for a spectrally inefficient satellite system design that bears no resemblance to any of the NVNG MSS systems that were previously able to reach mutually acceptable co-frequency subscriber uplink sharing arrangements.
The Application also fails to comply with the Commission’s requirements in several other material respects. In establishing the initial service rules for the NVNG MSS, the Commission (and ORBCOMM) worked with the National Telecommunications and Information Administration ("NTIA") to develop techniques that would allow the NVNG MSS subscriber uplinks in the 148-149.9 MHz band to share that spectrum without causing harmful interference to terrestrial Federal users. As a result, various specific required technical characteristics and operational techniques that must be employed by NVNG MSS systems to ensure interference protection for the fixed and mobile services are incorporated in the Commission’s NVNG MSS polices and Parts 2 and 25 of the Commission’s Rules, as well as all NVNG MSS authorizations issued thereunder. The Application entirely fails to recognize these long-established interservice co-primary spectrum sharing requirements, and provides no demonstration whatsoever as to how Swarm’s proposed system will comply with them. Just one of the numerous examples of the failure of the Application to demonstrate how Swarm’s proposed satellite system will comply with these requirements is clearly evident in the Application at Table 6 of the Narrative Description, where Swarm proposes a subscriber transmit EIRP density of -4.4 dBW/4 kHz (2.76 dBW EIRP transmitted in a 20.8 kHz Necessary Bandwidth) that grossly exceeds by at least 11.6 dBW the applicable -16 dBW/4 kHz power density limit set forth in the Section 2.106 of the Commission’s Rules at Footnote US323. Indeed, in claiming

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6 See, e.g., 47 C.F.R. §25.142(b)(2), see also, Footnote US323, 47 C.F.R. §2.106. The Commission’s Rules and the treaty obligations of the United States also require that NVNG MSS licensees comply with the International Radio Regulations ("RR"), including the fixed and mobile service interference protection requirements set forth at RR 5.219 in the International Table of Allocations. The system design proposed in the Application clearly does not comply with any of these interservice spectrum sharing requirements.

7 The Application appears to significantly understate the EIRP that will in fact be required for the proposed Swarm subscriber terminal uplinks to actually operate. The Link Budgets
the public interest benefits of the Swarm System, Swarm cites to its anticipated offerings, several of which appear to be patently incompatible with the Commission’s applicable NVNG MSS operating constraints. These incompatible claimed Swarm offerings include precision agriculture, remote patient monitoring, connected cars, and a substitute for cellular service. Notwithstanding the various other defects in the Application, Swarm’s failure to acknowledge or even attempt to demonstrate how its proposed system will comply with the Commission’s NVNG MSS co-primary interservice operating constraints is more than sufficient grounds for the Commission to deny or dismiss the Application. |

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presented at Table 6 of the Application Narrative Exhibit do not appear to provide any accommodation for noise (receiver noise plus interferer noise), which is typically calculated on the order of -197 dBW/Hz over KT in the range of 148 MHz. If a realistic noise level were included as it should be, Swarm’s proposed Link Budget would very likely require an even higher uplink transmit EIRP and corresponding EIRP density per 4 kHz in order to achieve a positive margin.

8 See, e.g., Footnote US323, 47 C.F.R. § 2.106.


10 Application Narrative Exhibit, at p. 29.

11 Application Narrative Exhibit, at p. 30.

12 Application Narrative Exhibit, at n. 59.

13 ORBCOMM also observes that just prior to filing the Application, Swarm entered into a Consent Decree with the Commission. Swarm Technologies, Inc., FCC 18-184, released December 20, 2018. And while the Order adopting the Consent Decree does provide in ¶ 4 that the Commission will “not set for hearing the question of Swarm Technologies’ basic qualifications to hold or obtain any Commission license or authorization,” ORBCOMM observes that in the Application, Swarm soft pedals the egregious nature of its admittedly (Consent Decree ¶ 12) unlawful behavior. Compare Exhibit F – License Denial, with paragraphs 4 and 5 of the Consent Decree:
II. The Application Should be Dismissed or Denied Because as Proposed, the Swarm System Will Cause Harmful Interference to ORBCOMM

The Commission’s Rules and ORBCOMM’s FCC authorization provide protections against harmful interference to ORBCOMM as an incumbent NVNG MSS licensee. The Commission’s Rules dealing specifically with NVNG MSS satellite system applications – Section 25.142 – addresses coordination between applicants and incumbent licensees. Section 25.142(b)(3) encourages applicants to coordinate, and requires the licensees to cooperate fully in such coordination efforts. ORBCOMM stands ready to coordinate in good faith. But prior to

On April 26, 2017, Swarm Technologies filed for a license in the Experimental Radio Service under Part 5 of the Commission’s rules to deploy and operate four BEEs and two earth stations (the “first application”). On December 12, 2017, the Commission denied Swarm Technologies’ first application because of concerns about tracking the BFFs. On January 8, 2018, Swarm Technologies filed a second application for authorization to launch and operate a different set of satellites that were a more conventional small satellite size (the “second application”). On January 12, 2018, despite being denied a license for the first application, Swarm Technologies launched the four BEEs through an unaffiliated launch company from a launch facility in India. From January 12-21, 2018, the BEE satellites transmitted to and received transmissions from two Georgia-based earth stations. The Commission was unaware of the unauthorized launch of the BEEs and the unauthorized transmissions between the BEEs and the earth stations and on February 5, 2018, the Commission granted Swarm Technologies’ second application. On March 5, 2018, the Commission learned of Swarm Technologies’ unauthorized launch of the BEEs. Two days later, the Commission set aside the grant of the second application and the Bureau began the Investigation. … During the Investigation, the Bureau also learned that Swarm Technologies performed unauthorized weather balloon-to-ground station tests, including on cars driving around Palo Alto, California, that exchanged radio signals for as many as 197 minutes on five different days in 2017 without a license. These weather balloon-to-ground station tests were apparently intended to mimic the satellite-to-earth station systems Swarm Technologies planned to deploy later. Additionally, Swarm Technologies admitted that on two occasions it performed unauthorized tests of equipment by directing unlaunched satellites and earth stations located in the same garage to exchange transmissions.” (citations omitted).

14 47 C.F.R. § 25.142(b)(3):
filing its application, Swarm made no effort whatsoever to contact ORBCOMM to coordinate the Swarm System, despite the fact that Swarm had been coordinating some (but not all) of its experimental applications with ORBCOMM. Indeed, the Interference Study included as Exhibit D to the Application acknowledges that “More [sic] coordination with Orbcomm will be required.”

Beyond the Rules’ encouraging pre-filing coordination, an NVNG MSS applicant is also required to demonstrate that they will not cause unacceptable interference to the incumbent licensees.\textsuperscript{15} The Application clearly fails to make any such demonstration. Swarm simply (and erroneously) asserts that it will not be sharing any frequencies with ORBCOMM.\textsuperscript{16} Such an assertion belies Swarm’s apparent disregard – whether inadvertent or not -- that the Commission’s NVNG Rules and policies, including the results of the Second Processing Round

\textsuperscript{(3) Coordination among non-voice, non-geostationary mobile-satellite service systems. Applicants for authority to establish non-voice, non-geostationary mobile-satellite service systems are encouraged to coordinate their proposed frequency usage with existing permittees and licensees in the non-voice, non-geostationary mobile-satellite service whose facilities could be affected by the new proposal in terms of frequency interference or restricted system capacity. All affected applicants, permittees, and licensees shall, at the direction of the Commission, cooperate fully and make every reasonable effort to resolve technical problems and conflicts that may inhibit effective and efficient use of the radio spectrum; however, the permittee or licensee being coordinated with is not obligated to suggest changes or re-engineer an applicant’s proposal in cases involving conflicts.}

\textsuperscript{15} 47 C.F.R. 25.142(a)(1):

Applicants must also file information demonstrating compliance with all requirements of this section, and showing, based on existing system information publicly available at the Commission at the time of filing, that they will not cause unacceptable interference to any non-voice, non-geostationary mobile-satellite service system authorized to construct or operate.

\textsuperscript{16} Application Narrative Exhibit, at p. 26.
and the accompanying spectrum assignments, are based on a very specific sharing schemes and co-frequency spectrum sharing technologies.\textsuperscript{17}

Under the \textit{Second Processing Round Order}, the incumbent licensees – ORBCOMM and VITA – would be operating in the NVNG MSS bands with three new entrants: System 1 (LEO One), System 2 (Final Analysis) and System 3 (E-Sat).\textsuperscript{18} System 1 and System 2 would utilize FDMA/TDMA transmission techniques,\textsuperscript{19} consistent with ORBCOMM’s technology. In addition, System 1 and System 2 were required to use the ORBCOMM-developed DCAAS technique for avoiding interference.\textsuperscript{20} Finally, under the Joint Sharing Proposal and the \textit{Second Processing Round Order}, System 3 was required to be a spread spectrum system.\textsuperscript{21} The particular frequencies assigned to the licensees and applicants under this sharing plan adopted by the Commission were explicitly dependent on the particular frequency utilization plans and co-frequency spectrum sharing technologies that would be used by each system. ORBCOMM, along with System 1 and System 2, would be sharing subscriber uplink channels in the 148-149.9 MHz band, all using dynamic channel assignment (not fixed channel assignments) techniques as a means of avoiding co-frequency transmissions. In addition, the specific frequencies and

\textsuperscript{17} \textit{Second Processing Round Order}, at ¶¶ 47-81. See also, Joint Proposal, dated September 19, 1997, among E-SAT, Inc., Final Analysis Communication Services, Inc., Leo One USA Corporation, Orbital Communications Corporation, Orbital Sciences Corporation and Volunteers in Technical Assistance, IB Docket No. 96-220.

\textsuperscript{18} \textit{Second Processing Round Order}, at ¶¶ 28-40.

\textsuperscript{19} \textit{Second Processing Round Order}, at ¶¶ 28 and 31.

\textsuperscript{20} \textit{Second Processing Round Order}, at ¶¶ 56, and 63-64. DCAAS allows an FDMA or TDMA system to scan the channels in a frequency band and assign transmissions to channels that are not currently in use by other users of the band.

\textsuperscript{21} \textit{Second Processing Round Order}, at ¶ 38.
transmission technologies were selected in order to minimize interference into other Federal satellite systems and Federal terrestrial systems.

As a result of the Second Processing Round Order and the Joint Sharing Proposal, the Commission was able to license three new entrants. Unfortunately, the new entrants were unable to construct and launch their satellite systems. As an element of its modification application to support its second-generation spacecraft, ORBCOMM sought authority to expand its spectrum by additionally using the System 1 frequencies. The Commission granted that application, which among other things, established ORBCOMM’s primary interference protected rights throughout the entire 148 – 150.05 MHz band for ORBCOMM subscriber uplink operations. And as explained above, the Second Processing Round Order contemplated sharing of the uplink bands by multiple parties, rather than discrete frequencies assigned to specific systems. That plan also incorporated requirements in the Commission’s Rules and policies for all NVNG MSS licensees, including any future entrants, to incorporate specific co-frequency spectrum sharing technologies and techniques in their respective satellite systems.

Developing the Joint Sharing Plan took significant effort by all of the licensees and applicants, as well as the other Federal users in these bands, given the limited spectrum available, the incumbent users, and the inherent complexity of sharing by multiple services and systems. Those good faith efforts by all of the parties produced the sharing agreement that eliminated mutual exclusivity. In stark contrast, to date, Swarm has made absolutely no effort to work with ORBCOMM to coordinate its proposed use of NVNG MSS for its commercial system. Moreover, the Application and the system design proposed by Swarm completely ignores the Commission’s NVNG MSS spectrum sharing requirements that have been established as a result

\[22\] ORBCOMM 2008 Modification Order, at ¶¶ 10-11.
of proceedings that have transpired over almost thirty (30) years. Thus, Swarm’s assertion that it
will not cause harmful interference to ORBCOMM because it will not operate in any of the same
frequencies as ORBCOMM contravenes ORBCOMM’s rights as an NVNG MSS licensee, and
clearly contravenes the Commission’s NVNG MSS Rules and policies. While ORBCOMM
believes it may be possible to coordinate with one or more new entrants that propose systems
comporting with the Commission’s NVNG MSS Rules and policies, the satellite system
currently proposed by Swarm in the Application is not such a system. More simply put, as
presently specified in the Application, the Swarm System will unquestionably cause
unacceptable harmful interference to ORBCOMM’s authorized NVNG MSS operation. As such,
the Application is fatally defective and should be dismissed or denied by the Commission.

III. Potential Future Entry

ORBCOMM notes with substantial concern that Swarm requests a waiver seeking to
avoid the Section 25.157 requirement of a processing round in connection with the adjudication
of the Application.23 In support of its waiver request, Swarm cites to the Commission’s
previous grant of additional spectrum to ORBCOMM on a “first-come, first-served” basis
without using a processing round.24 There are, however, some key differences between the
current situation and the satellite services marketplace in 2007 when ORBCOMM sought the use
of additional spectrum. Back then, there was little likelihood of additional applicants, given the

23 Application Narrative Exhibit, at pp. 34-39.
24 Ibid., at p. 35.
prior history of failed NVNG MSS licensees.\textsuperscript{25} Indeed, as the Commission observed in granting ORBCOMM’s modification application, no one even bothered to file any comments, much less express any interest in applying.\textsuperscript{26} In contrast, Swarm itself acknowledges that other NVNG MSS-like systems seem imminent presently.\textsuperscript{27} Nevertheless, as discussed above in greater detail, the Application simply disregards the Commission’s long-established Rules and policies that are specifically crafted to maximize the efficient use of the extremely limited NVNG MSS spectrum resource through the use of carefully designed systems and technology solutions to facilitate co-frequency sharing among competitive entrants. Given these unfortunate circumstances, the Section 25.157 waiver proposed in the Application raises serious material concerns that must be addressed by the Commission before a determination can be made on the request. It is unquestionably in the public interest to continue to make the most effective and efficient use of the extremely limited available NVNG MSS spectrum.\textsuperscript{28} It would also be highly advisable to

\textsuperscript{25} As Swarm acknowledges, all of the other NVNG MSS licensees from the first and second processing rounds, other than ORBCOMM, failed to construct and launch their systems. Application Narrative Exhibit, at p. 37.

\textsuperscript{26} \textit{ORBCOMM 2008 Modification Order}, at ¶ 6.

\textsuperscript{27} Application Narrative Exhibit, at p. 38. Indeed, at least one other company has filed an application with the Commission to use the NVNG MSS spectrum. Hiber Inc. Petition for Declaratory Ruling to Access U.S. Market Using the Hiberband Low-Earth Orbit System, File No. SAT-PDR-20180910-00069. Additionally, there are several other companies throughout the world that appear to be targeting NVNG MSS spectrum for use in the United States, in some cases using already-launched satellites. See, e.g., https://www.spaceitbridge.com/the-2018-summer-of-satellite-iot-18-startups-over-1600-satellites.htm.

\textsuperscript{28} The Application simply asserts without any substantive basis whatsoever that there would still be ample spectrum for additional entry if the proposed Swarm System is authorized by the Commission (Application Narrative Exhibit, at pp. 36-37). In fact, it is highly doubtful that any such additional entry would be possible because, as proposed in the Application, the Swarm System is incompatible with, and would preclude feasible spectrum sharing with both a System 2-like entrant or a System 3-like new entrant. Thus, it is disingenuous for Swarm to claim that: “Swarm’s proposed network involves only approximately one quarter of the spectrum allocated
know how many and who should be at the table coordinating the sharing between ORBCOMM and any new entrants. Accordingly, at a minimum ORBCOMM urges the Commission to review the petitions, oppositions, and any other pleadings submitted in this proceeding before taking any decision concerning the possible opening of a new NVNG MSS processing round.

IV. Conclusion

In light of the significant defects identified above, ORBCOMM believes that the Commission should deny or dismiss the Application. At the very least, the Commission should hold the Application in abeyance until Swarm comprehensively amends the Application to demonstrate that the Swarm System will comply with all of the Commission’s requirements for NVNG MSS applicants. Finally, ORBCOMM requests that the Commission defer action on the Application to permit Swarm and ORBCOMM (and possibly additional applicants) to reach a coordination agreement to ensure that the extremely limited available NVNG MSS spectrum continues to be utilized in the most efficient manner possible without unacceptable harmful interference to ORBCOMM’s authorized operations, or to those proposed by Swarm, or any

for Little LEO NVNG services, leaving ample spectrum for a future entrant to join ORBCOMM and Swarm.” (Application Narrative Exhibit, at p. 35).
other NVNG MSS system operator. Grant of the Application as currently presented before the Commission, however, would disserve the public interest.

Respectfully submitted,

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April 1, 2019
DECLARATION

I, John J. Stolte, Jr., hereby declare as follows:

1. I am Executive Vice-President of Technology and Operations at ORBCOMM Inc.

2. I have reviewed the foregoing Petition to Dismiss, Deny or Hold in Abeyance of ORBCOMM License Corp. (the "Petition").

3. I declare under penalty of perjury that the facts set forth in the foregoing Petition (except for those of which official notice may be taken) to support the specific relief requested are true and correct to the best of my knowledge, information and belief.

[Signature]

John J. Stolte, Jr.
Executed on April 1, 2019
CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2019, I caused a true and correct copy of the foregoing “PETITION TO DISMISS, DENY, OR HOLD IN ABNEYANCE” to be sent by first class mail, postage prepaid, and E-Mail to the following:

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