

BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

In the Matter of	)	
	)	
DG Consents Sub, Inc.	)	
	)	File No. SAT-MOD-20160408-00033
Extension of the Launch and Operation	)	Call Sign: S2348
Milestone for WorldView-4	)	
	)	
	)	

To: Chief, International Bureau

**REQUEST FOR EXTENSION
OF LAUNCH AND OPERATION MILESTONE WAIVER**

DG Consents Sub, Inc. (“DigitalGlobe”), by its counsel, hereby requests a two-week extension of the launch and operation milestone waiver applicable to its WorldView-4 space station, as granted in the above-referenced proceeding. As explained below, unforeseen circumstances beyond the control of DigitalGlobe have unavoidably postponed several planned launches of WorldView-4 that were scheduled prior to the current milestone deadline of November 10, 2016. The brief extension requested herein will extend that deadline through the next scheduled launch date of November 11, 2016 (with a scheduled backup date of November 12, 2016), while also providing a brief period of additional time to allow for a rescheduled launch should the upcoming launch date again be postponed.

I. Background

The launch and operation milestone deadline for WorldView-4 was originally set for April 10, 2016, in the order granting authority to construct, launch and operate the space station.¹

¹ See FCC File No. SAT-MOD-20120427-00079 (granted Oct. 10, 2012).

Earlier this year, DigitalGlobe requested a seven-month extension of that deadline in order to accommodate the anticipated launch of WorldView-4 in the September-October 2016 timeframe. After finding that the launch of WorldView-4 was sufficiently imminent to support the extension request, the Commission waived the original launch and operation milestone deadline and established a new deadline of November 10, 2016.² The waiver was conditioned on the launch and commencement of operations of WorldView-4 by this new deadline date.³

Unfortunately, due to a series of unforeseen circumstances beyond the control of DigitalGlobe, WorldView-4 will not be launched by November 10, 2016. Technical problems – specifically, a leak in ground equipment used to supply liquid hydrogen to the Centaur upper stage – prevented the launch from occurring on September 16, 2016 as initially planned.⁴ Two days later, the rescheduled launch of WorldView-4 again had to be cancelled when a massive wildfire broke out nearby the Vandenberg Air Force Base launch site.⁵ Considered the “largest fire in Vandenberg’s history,” the wildfire and its aftermath postponed any possibility of a launch until November 6, 2016, at the earliest.⁶ Although the rescheduled launch was set for that

² See FCC File No. SAT-MOD-20160408-00033, Attachment to Grant at ¶ 5 (granted Aug. 5, 2016).

³ *Id.*

⁴ See *ULA postpones WorldView-4 launch, again*, Denverite (Sept. 19, 2016), www.denverite.com/ula-postpones-worldview-4-launch-16704 (last visited Nov. 3, 2016)

⁵ See *Uncontrolled wildfires at Vandenberg Air Force Base continues to rage*, Spaceflight Now (Sept. 20, 2016), <http://spaceflightnow.com/2016/09/20/uncontrolled-wildfire-at-vandenberg-air-force-base-continues-to-rage> (last visited Nov. 3, 2016).

⁶ See *California Atlas 5 launch that was delayed by wildfire finally rescheduled*, Spaceflight Now (Oct. 25, 2016), <http://spaceflightnow.com/2016/10/25/california-atlas-5-launch-that-was-delayed-by-wildfire-finally-rescheduled> (last visited Nov. 3, 2016).

date, it will again have to be postponed, this time due to minor technical issues with the Atlas V launch vehicle discovered during final preparations for launch.⁷

The next launch opportunity for WorldView-4 is November 11-12, 2016. As this latest anticipated launch window falls one day after the deadline established by the launch and operation milestone waiver granted by the Commission, DigitalGlobe seeks to extend the milestone deadline waiver by two weeks – through November 24, 2016.

II. Extension Request

Requests to extend a milestone may be granted where the applicant demonstrates (1) that the required time is due to unforeseen circumstances beyond its control; or (2) that there are unique and overriding public interest concerns that justify an extension.⁸ Both prongs apply in WorldView-4's case and fully support the instant request for a milestone deadline waiver extension.

First, the circumstances described above that repeatedly prevented the timely launch of WorldView-4 were clearly unforeseeable. DigitalGlobe could neither anticipate nor control the ground equipment problems that prevented WorldView-4's launch in September or the launch vehicle issues that will prevent its launch on November 6. Both events fit squarely within Commission precedent recognizing that unanticipated technical problems which cause a delay in milestone compliance constitute a circumstance beyond a licensee's control that justifies additional time to demonstrate compliance.⁹ In addition, as with the unforeseeable technical

⁷ See *Atlas V to Launch WorldView-4*, United Launch Alliance (Nov. 2, 2016), <http://www.uallaunch.com> (last visited Nov. 3, 2016).

⁸ 47 C.F.R. § 25.117(e).

⁹ See, e.g., *New ICO Satellite Services G.P. Application to Extend Milestones*, 22 FCC Rcd 2229 at ¶ 15 (IB 2007).

problems that beset launch operations, DigitalGlobe could not have predicted or avoided the effects of the massive wildfire that crippled the launch capabilities at Vandenberg Air Force Base for several weeks. Indeed, a wildfire of this magnitude is the very definition of an unforeseeable act of God.¹⁰ Providing DigitalGlobe with a modest amount of additional time within which to comply with the launch and operations milestone is warranted in the face of such an unexpected and extraordinary event.

Second, the overriding public interest concern that supported the initial request for an extended launch and operation milestone deadline – namely, the expeditious delivery of satellite service – likewise supports the additional two-week extension requested here. When it granted the seven-month milestone extension last August, the Commission cited DigitalGlobe’s substantial and continuing commitment to timely deploy WorldView-4 as support for its decision. That commitment remains intact, as DigitalGlobe continues to diligently pursue the launch of WorldView-4 despite the numerous technical and natural obstacles encountered to date. Once launched and in orbit, WorldView-4 will be positioned to offer a wide range of high resolution satellite imagery services to the benefit of both the public and private sectors. Granting the milestone extension requested here will enable that to happen as early as next week.

DigitalGlobe cannot reliably predict the next available launch window should the planned November 11-12 launch window need to be rescheduled. However, DigitalGlobe believes that extending the milestone waiver through November 24, 2016, will provide it with an appropriate amount of time to reschedule the launch should it again become necessary. If unforeseen

¹⁰ See www.merriam-webster.com/dictionary/act%20of%20God (defining “act of God” as “an extraordinary interruption by a natural cause (as a flood or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent”) (last visited Nov. 3, 2016).

circumstances continue to delay the launch of WorldView-4 beyond November 24, DigitalGlobe will seek additional extensions of the milestone waiver.

III. Conclusion

For the foregoing reasons, DigitalGlobe requests that the Commission extend the WorldView-4 launch and operation milestone waiver and deadline for a two-week period, through November 24, 2016.

Respectfully submitted,

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