



18 October 2023

## MYRIOTA PTY LTD

### Response to the ACMA Consultation Paper: Review of Australian Satellite Filing Procedures

Myriota is the global leader in low-cost, low-power, secure direct-to-orbit satellite connectivity for the Internet of Things (IoT).

Myriota was founded to revolutionise IoT by offering disruptively low-cost and long-battery-life global connectivity. Based in Adelaide, a focal point of the Australian space industry and home of the Australian Space Agency, Myriota has a growing portfolio of over 100 granted patents, and support from major Australian and international investors. With deep heritage in telecommunications research, world-first transmission of IoT data direct to nanosatellite was achieved in 2013. Myriota has made this ground-breaking technology commercially available for partners worldwide.

Myriota thanks the ACMA for the opportunity to participate in this consultation regarding the Review of Australian Satellite Filing Procedures, and expresses its view on the following sections from the ACMA's proposed draft document.

#### Section 2.2 - modifying an existing ITU filing

Myriota notices the additional text<sup>1</sup> in the Draft, which introduces modification as a trigger for requiring an application.

Since modification of an ITU filing can come in different forms, Myriota notes that some modifications are far more significant than others. For example, a satellite operator requesting to increase the number of satellites in a constellation from 10 to 10,000 should be seen as far more significant than a satellite operator changing the inclination angle of one particular satellite plane by 10°. Both examples require a modification of an ITU filing, but Myriota suggests they are not deserving of the same level of attention and scrutiny from the ACMA. An adjustment that

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<sup>1</sup> "...to modify an existing ITU satellite filing (such as adding or changing a frequency band, or altering orbital parameters)", Australian satellite filing procedures, Draft for consultation, September 2023, section 2.2

is mostly technical in nature should not cause unnecessary burden to the satellite operator and the ACMA. Whereas a change that goes beyond mere technical adjustment, such as significantly increasing the number of satellites, may be worthy of the ACMA's application process.

Myriota recommends that merely requesting to modify an ITU filing should not be a simple rule that triggers the requirement for an application. Instead, the benchmark that decides this requirement could be based on whether the modification is merely technical in nature, or if the modification poses legitimate reason for the ACMA to require further information.

This point further relates to the proposed inclusion of new text<sup>2</sup> under section 3.4, whereby the applicant is required to demonstrate that it has necessary technical and financial credentials. Myriota would like the ACMA to ensure that existing operators are not unnecessarily burdened by the requirement to demonstrate technical and financial credentials. It is unclear why such information is necessary if a satellite operator requests to modify various technical parameters of its satellite system.

In any case, Myriota suggests that a satellite operator requesting removal or reduction of permissions under an ITU filing should always be allowed, with minimal hindrance or burden. Examples of reducing ITU filing permission may include: request to suppress an ITU filing; removing an entire frequency band; reducing the assigned bandwidth; removal of satellites from an ITU filing. These are examples of reducing existing permission, and should be encouraged to improve the accuracy of ITU filings, as well as promote efficient use of spectrum. Any additional requirement imposed such as demonstrating technical and financial credentials may have the adverse effect of acting as a deterrent for these actions. To avoid ambiguity and help encourage these kinds of actions, the ACMA can include additional text in the Australian Satellite Filing Procedures to give clear guidance relating to modifications that are a 'reduction' in nature.

Whilst Myriota suggests the ACMA should enable these actions with minimal burden, Myriota recommends that satellite operators receive a phone call from ACMA staff to verbally verify any email requests for 'reduction' of their ITU filing. Fake emails can easily be generated by malicious actors, with devastating consequences.

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<sup>2</sup> "This applies not only to new applicants but to all types of applicants (including those seeking a modification, transfer or change of ownership)." Australian satellite filing procedures, Draft for consultation, September 2023, section 3.4

### **Section 3.6.3 - Resolving disagreements between Australian satellite operators**

Myriota understands the benefit to a satellite operator in submitting a coordination request to the ITU as soon as possible. For this reason, Myriota has already acted in good faith with several Australian satellite operators by enabling them to immediately submit a new coordination request to the ITU, and proposing to pursue domestic frequency coordination in parallel.

Myriota does not object to Australian satellite operators submitting new coordination requests to the ITU without first finalising coordination of overlapping frequency bands with domestic operators. Therefore Myriota supports the ACMA's proposal of requiring the domestic satellite coordination only to be initiated, rather than be completed<sup>3</sup>. If the ACMA prefers Australian satellite operators to take this approach, Myriota suggests for the ACMA to explicitly clarify that this approach should not be treated as agreement to the proposed new Australian satellite system. It should be treated as merely preventing delays for the Australian satellite operator. In many cases, coordination can be achieved easily with some effort, therefore it makes sense to submit an ITU filing first, and perform domestic coordination in parallel.

The ACMA should manage the expectations of the Australian satellite operators. Not all satellite systems can be supported in all frequency bands. The ACMA need not prevent an Australian satellite operator from submitting a coordination request to the ITU based on its likelihood of successfully coordinating. However, the ACMA should remind the Australian satellite operator that having an ITU filing does not mean domestic coordination is complete, nor has somehow been avoided. The process acts to prevent delays for the Australian satellite operator, but is in no way a shortcut for the necessary coordination process. The risk lies with the Australian satellite operator, and they can make their own decision whether to proceed with filing a coordination request in particular frequency bands without first completing domestic coordination. Despite paying significant fees to the ACMA/ITU for the ITU filing, the Australian satellite operator should be prepared for the possibility of not being able to operate their satellite system exactly as they had planned. The ACMA can remove frequency bands from an Australian satellite filing that fail to complete necessary domestic coordination with overlapping Australian satellite systems.

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<sup>3</sup> Review of Australian satellite filing procedures, Consultation Paper, September 2023, section 3.4, pg 14



Yours sincerely,

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