



OFFICE FOR COMMUNICATIONS
PRINCIPALITY OF LIECHTENSTEIN

This is an unofficial translation into English. Only the Original in German is authentic.

ORDER / DECISION

The Office for Communications on May 20, 2022.

in the matter of

Trion Space AG
c/o Industrie- und Finanzkontor Ets.
Herrengasse 21
9490 Vaduz
(authorized user)

due to

Request for approval
of the frequency usage agreement to be concluded between
of Trion Space AG, Rivada AG and Rivada Space Networks GmbH
according to art. 97 IFV

under file number 2022-5064

decided as follows:

1. The request dated May 19, 2022 is granted. Pursuant to Article 97 IFV, the Office for Communications approves the transfer of the rights of use to all frequencies covered by the provisional allocation of January 08, 2018, as amended and consolidated on December 22, 2021, for the entire duration of the allocation in favor of Rivada AG and Rivada Space Networks GmbH in order to enable these companies to operate the planned Low Earth Orbit (LEO) satellite constellations and to offer satellite services via these satellite constellations on a permanent basis. In doing so, Rivada AG and Rivada Space Networks GmbH must comply with all of the conditions, requirements and ancillary provisions specified in the allocation. The Office for Communications declares its approval of the frequency usage agreement between the authorized user and the companies which has been forwarded to it.
2. The applicant owes the following fees

Decision fee, one time	CHF 8'500.00
Urgency surcharge of 50% according to Art. 6b Komg-GebV	CHF 4'250.00
Administrative expenses	CHF 3,327.93
Total:	CHF 16,077.93

The fees owed shall be paid within 30 days of notification of this decision by means of the enclosed payment slip to the Liechtenstein National Administration, National Treasury, Äulestrasse 38, 9490 Vaduz, stating the reason for payment by other means of execution.

Established facts

- A. Trion Space AG, FL-0002.555.812-1, Vaduz is the holder of a frequency allocation based on the frequency allocation order of the Office for Communications dated January 8, 2018 (hereinafter referred to as the "Allocation Order"), as well as the Supplementary Allocation Order dated March 4, 2021, as consolidated on December 22, 2021 (hereinafter referred to as the "Supplementary Allocation Order").
- B. On June 1, 2021, the Office for Communications (hereinafter referred to as "AK") declared *Bringing Into Use* (BIU) to the ITU for certain frequency bands. Based on this declaration, the following frequencies are still subject to 3ECOM-1 and 3ECOM-3 filings:

FREQUENCIES ACCORDING TO BIU	
Transmission direction	Frequency range
space-to-ground	17.7 - 18.3 GHz
	18.3 - 18.6 GHz
	18.8 - 19.3 GHz
	19.3 - 19.7 GHz
	19.7 - 20.2 GHz
ground-to-space	27.5 - 28.35 GHz
	28.35 - 28.6 GHz
	28.6 - 29.1 GHz
	29.1 - 29.25 GHz
	29.25 - 29.5 GHz
	29.5 - 30.0 GHz

- C. In item 4 of the Allocation Order, the AK approved the frequency usage agreement submitted between the authorized user and KLEO AG in accordance with Art. 97 IFA, which transferred the usage rights to all frequencies covered by the allocation in favor of KLEO AG in order to enable the latter to operate the planned Low Earth Orbit (LEO) satellite system and to offer satellite services via this satellite system, whereby all conditions, requirements and ancillary provisions specified in the allocation were to be fulfilled.
- D. The authorized user terminated this approved frequency usage agreement for good cause in a letter dated March 2, 2022.
- E. As a result of the termination of the frequency usage agreement, the authorized user sought new partners to ensure the use and, in particular, the continuation of international coordination of the frequencies that are the subject of the provisional allocation by the Office for Communications. In this respect, Trion Space AG now

cooperates with Rivada AG and its parent company, Rivada Space Networks GmbH, based in Munich.

- F. Rivada AG was entered in the Commercial Register of the Principality of Liechtenstein on 08.04.2022 under the registration number FL-0002.681.482-3. Members of the Board of Directors are Declan James Ganley and H.S.H. Prince Michael von und zu Liechtenstein.
- G. Rivada AG is solely owned by Rivada Space Networks GmbH, with its registered office at St.- Martin-Str. 112, 81669 Munich, Germany. Rivada Space Networks GmbH was entered in the Commercial Register of the Munich Local Court on February 23, 2022 under the number HRB 272408. Severin Meister, Dr. Clemens Kaiser, Declan James Ganley and Francis O'Flaherty are registered as managing directors of Rivada Space Networks GmbH.
- H. Rivada AG and Rivada Space Networks GmbH are planning to set up two satellite constellations. In cooperation with the authorized user, the two companies have already submitted extensive information, documents and details on the business plan and the technical concept to the AK in recent weeks.
- I. The AK has examined the business plans submitted by the authorized user and Rivada Space Networks GmbH and has come to the conclusion that they meet the requirements of the Office at this point in time. At the same time, a report was prepared containing a detailed examination of the content and improvements to be made in the future, which should be taken into account before the final Frequency Allocation Order (FFAO) is issued.
- J. The authorized user plans to conclude a tripartite frequency usage agreement with Rivada AG and Rivada Space Networks GmbH. This frequency usage agreement is subject to the condition precedent that the Office for Communications gives its approval for the conclusion.
- K. With the subject application dated May 19, 2022, Trion Space AG requests the issuance of an injunction with the following content:

Pursuant to Article 97 IFV, the Office for Communications approves the transfer of the rights of use to all frequencies covered by the provisional allocation of 08.01.2018 as amended and consolidated on 22.12.2021 for the entire duration of the allocation in favor of Rivada AG and Rivada Space Networks GmbH in order to enable these companies to operate the planned Low Earth Orbit (LEO) satellite constellations and to offer satellite services via these satellite constellations on a permanent basis. In doing so, Rivada AG and Rivada Space Networks GmbH must comply with all of the conditions, requirements and ancillary provisions specified in the allocation. The Office for Communications declares its approval of the frequency usage agreement between the authorized user and the companies which has been forwarded to it.

- L. In justification, the applicant states in summary that KLEO AG has seriously violated its obligations under the frequency usage agreement with Trion Space AG and exposed Trion Space AG to the immediate risk of violating its own obligations under the provisional frequency allocation and its legal obligations. The companies were no longer in a position to effectively continue the international coordination of frequency uses pursuant to Article 88 IFV. There was also no longer any guarantee that the frequencies would continue to be actually used by the companies.

Due to the serious disputes at the shareholder level, KLEO AG and KLEO Connect GmbH were no longer capable of acting and no longer offered any guarantee that they would fulfill their legal obligations under the frequency usage agreement with Trion Space AG, under the provisional frequency allocation, and under their legal obligations under the Communications Act (KommG) and the International Frequency Regulations (IFV). Trion Space AG thus had no choice but to terminate the frequency usage agreement with KLEO AG for cause.

To date, KLEO AG has not made any counterstatements against the termination of the frequency usage agreement and has not initiated any legal proceedings to challenge the termination.

Due to the given situation, Trion Space AG had made every effort to secure an alternative use of the frequencies that are the subject of the provisional allocation by the Office for Communications. In this respect, Trion Space AG is now working together with Rivada AG and its parent company, Rivada Space Networks GmbH, based in Munich.

The companies have submitted a concrete and detailed plan as to how the structure of the constellation can be implemented in such a way that Milestone 2 can be reliably complied with in accordance with the applicable ITU regulations and in this way the existence of Liechtenstein's frequency usage rights can be ensured at the international level.

From the point of view of Trion Space AG, Rivada AG and Rivada Space Networks GmbH would offer the guarantee that, together with Trion Space AG and in close coordination with the Office for Communications, they would immediately take up and implement all necessary steps for the further international coordination of frequency uses and for securing, maintaining and defending the international frequency use rights. Appropriate regulatory experts would be available in the team of Rivada Space Networks GmbH, supported by recognized and proven external consultants of Trion Space AG.

Rivada AG and Rivada Space Networks GmbH had the technical and economic prerequisites to ensure continued frequency use in accordance with the provisions of the provisional frequency allocation, the statutory provisions and the ITU regulations.

In cooperation with Trion Space AG, the companies have already submitted extensive information, documents and details on the business plan and the technical concept to the Office for Communications in recent weeks. The documents and clarifications on the business plan requested by the Office were submitted in a timely manner, so that the provisions from the amended allocation are fulfilled by Trion Space AG. The Office for Communications is regularly informed about the current status of the implementation of the business plan.

Evaluation

The findings are based, on the one hand, on the conclusive submissions of the parties in the context of the application for approval including enclosures and, on the other hand, on the detailed examination of the submitted business plans and circumstances known to the authorities.

Reasons for decision

1. As part of the January 8, 2018 Allocation Order, the AK stated in the reasoning:

"As part of its application, the applicant has enclosed numerous documents. The AK has come to the conclusion that the corporate structure presented, in combination with the already pursued and prospective cooperations, the planned system, the technical expertise, the commercial plans presented, the planned demonstrator missions, as well as the concrete measures presented concerning the planning and implementation of international coordination, have the best chances of both ensuring the allocation of international frequency usage rights by the ITU to Liechtenstein and actually putting the planned project into practice."

2. It is well known to the Office for Communications that in this corporate structure and especially in the cooperation partners on the Chinese side there have been profound disputes over time, which have led to a dysfunctionality of the consortium between Trion Space AG, KLEO AG and KLEO Connect GmbH.
3. It is well known to the authorities and was also documented accordingly by submission of the notice of termination that Trion Space AG subsequently terminated the frequency usage agreement concluded between it and KLEO AG for cause. This, because KLEO AG and KLEO Connect GmbH were no longer capable of acting due to serious disputes at their shareholder level, and they no longer offered any guarantee that they could or would fulfill their legal obligations under the frequency usage agreement, under the provisional frequency allocation, and under their legal obligations under the KomG and the IFV. No legal proceedings were instituted to challenge this termination, nor were any counter-claims raised or filed.

4. The authorized user sought new partners in order to ensure the use and, in particular, the continuation of the international coordination of the frequencies which are the subject of the provisional allocation by the Office for Communications and found such partners in Rivada AG and its parent company, Rivada Space Networks GmbH, based in Munich, with which it jointly submitted corresponding business plans on time on May 3, 2022, as required by the AK. According to the presentations in these business plans, it is planned to establish two satellite constellations.
5. In cooperation with the authorized user, the two companies have already submitted extensive information, documents and details on the business plan and the technical concept to the AK in recent weeks. The documents and clarifications on the business plan requested by the AK were submitted in due time.
6. The AK has examined the business plans submitted by the authorized user and Rivada Space Networks GmbH and has come to the conclusion that they meet the requirements of the Office at this point in time. At the same time, a report was prepared containing a detailed examination of the content and improvements to be made in the future, which should be taken into account before the final Frequency Allocation Order (FFAO) is issued.
7. The setup of the authorized user and their partners with regard to the implementation of the technical concept and the business plan, according to which Rivada Space Networks GmbH will take the lead with regard to the implementation of the technical concept and the business plan of the companies as well as the overall management and will act as operator of the satellite system, while Rivada AG will carry out the construction and operation of the ground segment elements in Liechtenstein, is sufficiently described and certified. Likewise, that the companies involved will fulfill the obligations arising from the frequency usage agreement with Trion Space AG and the orders of the Office for Communications, and that these obligations can also be enforced directly in Liechtenstein if necessary. Rivada AG will also set up and operate the ground segment elements in Liechtenstein necessary to take all measures, as ordered by the Office for Communications, to immediately cease harmful radio interference in accordance with ITU regulations. The details of the setup, including the distribution of functions and roles and the system elements planned in Liechtenstein are described in the business plan in a credible and comprehensible manner.
8. Based on the termination of the frequency usage agreement presented by the licensee, which has so far remained unchallenged, the AK has no reason to doubt the legality of the termination. Nor does it have any reason to doubt the expediency or necessity of concluding a new frequency usage agreement. Trion Space AG, as the holder of the frequency allocation, is entitled to conclude a frequency usage contract with companies from which it believes it has the best chance that the joint project will be successfully implemented.

9. In terms of content, the provisions of the frequency usage agreement in question are closely based on the previous frequency usage agreement with KLEO AG, for which the AK had granted its approval in the Allocation Order. The frequency usage agreement ensures that the companies fulfill all obligations arising from the frequency allocation, the statutory provisions and the ITU regulations. Changes compared to the previous frequency usage agreement were only included to the extent that they took into account the new situation with the companies involved, the technical concept for the planned satellite constellations and the companies' business plan. Furthermore, few changes were implemented as a lesson learned from the previous problems.
10. The suitability and reliability of the contractual partners, in particular with regard to compliance with the regulatory requirements, is evident from the business plan submitted, the correctness and conclusiveness of which the AK has no doubts whatsoever.
11. Under Art. 97 Par. 1 IFV, the complete or partial, temporary or permanent transfer of a frequency allocation requires approval by the regulatory authority. The essential prerequisite for approval is to ensure compliance with the regulatory requirements, in particular the allocation provisions. Based on the files and information available, it can be assumed that compliance with the regulatory requirements is guaranteed by the contracting parties of the authorized user. The AK therefore grants the application and approves the use of frequencies under the attached frequency usage agreement, as shown in the ruling.
12. The fees are based on Art. 60 Par. 1 KomG as well as Art. 4 and Annex 1 No. A 1.1 of the Ordinance of April 13, 2004 on the Levying of Administrative and User Fees under the Communications Act (KomG Fee Ordinance; KomG-GebV), LGBI. 2004 No. 99, as amended. The internal effort of the AK for the preparation of the present ordinance amounts to 34 hours. Pursuant to Art. 6b of the KomG-GebV, a surcharge of 50% of the regular fees is levied for the review and issuance due to the special urgency. The urgency results from the application, which requested a review at short notice and the issuance of an order as soon as possible, as the legal certainty provided by the AK with the requested order is critical for all companies involved in order to ensure the continuation of frequency usage and fulfillment of the second milestone under the ITU regulations. The administrative costs were incurred due to the involvement of an external expert, which was necessary due to the complexity of the matter.
13. For all these reasons, the decision had to be made in accordance with the ruling.

APPEAL NOTICE

An appeal against this order/decision may be lodged with (name of the issuing authority) or with the (name of the appeal body: the government or one of the special appeal commissions) within 14 days from the date of notification.

The complaint must contain:

- The name of the contested decision,
- the statement whether the decision is contested in its entirety or only in individual parts,
- and in the latter case the exact designation of the contested part,
- the grounds of appeal,
- the applications,
- the evidence by which the grounds for challenge are to be supported and proved,
- the signature of the complainant.

Vaduz, May 20, 2022

OFFICE FOR COMMUNICATION

Dr. Rainer Schnepfleitner
Director

(Sent to [with proof of delivery]: Name and address of the parties to whom the order is to be served; in case of representation: Attn. of the representative ... e.g. RA ...)

Goes to:

Copy to:

Inserts:

This document was created electronically.

Attachments:

- a) Invoice