



November 3, 2020

VIA ELS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

**Re: Ex Parte Presentation
ELS File No. 0773-EX-CN-2020**

Dear Ms. Dortch:

RS Access, LLC (“RSA”)¹ responds to Space Exploration Holdings, LLC’s (“SpaceX”) October 26, 2020 letter² regarding its application for an experimental authorization to conduct fixed-satellite service (“FSS”) earth station in motion (“ESIM”) operations in multiple bands, including the 12.2-12.7 GHz band (the “12 GHz Band”).³

In RSA’s original letter of September 24, 2020,⁴ RSA expressed concerns that SpaceX’s requested experimental authorization might be overbroad or too ill-defined to warrant Commission approval without further narrowing of the relevant parameters. SpaceX filed a response on October 26, 2020 accusing RSA of “harass[ment]” and claiming that RSA “lack[ed] a fundamental understanding of the spectrum licensing and operations in the 12 GHz [B]and.”⁵

Despite SpaceX’s intemperate language, the Commission agreed that SpaceX’s application was deficient and lacking in particularity. The Commission asked SpaceX to provide the specific

¹ RSA holds Multichannel Video Distribution and Data Service licenses that cover approximately 15 percent of the U.S. population and 25 percent of the continental United States. *See, e.g.*, License, RSA, ULS Call Sign WQAR560 (granted Jan. 26, 2015). These rights were acquired through competitive bidding in an FCC auction. *See Multichannel Video Distribution and Data Service Spectrum Auction Closes: Winning Bidders Announced*, Public Notice, 19 FCC Rcd 1834 (2004) (Auction 53); *Auction of Multichannel Video Distribution and Data Service Licenses Closes: Winning Bidders Announced for Auction No. 63*, Public Notice, 20 FCC Rcd 19807 (2005).

² *See* Letter from David Goldman, Director of Satellite Policy, SpaceX, to Marlene H. Dortch, Secretary, FCC, ELS File No. 0773-EX-CN-2020 (filed Oct. 26, 2020) (“SpaceX October 26 Letter”).

³ *See* Experimental Application of SpaceX, ELS File No. 0773-EX-CN-2020 (filed Sept. 15, 2020).

⁴ *See* Letter from V. Noah Campbell, CEO, RSA, to Marlene H. Dortch, Secretary, FCC, ELS File No. 0773-EX-CN-2020 (filed Sept. 24, 2020).

⁵ SpaceX October 26 Letter at 1.

locations on which it would operate experimentally.⁶ The Commission warned SpaceX that failure to do so could lead to dismissal of the experimental application.⁷ In response, SpaceX conceded that it would operate only over domestic waters and that the company requires only the use of a single site in Port Canaveral.⁸

RSA commends the Commission for following up on this issue and ensuring that SpaceX's application was tailored to demonstrable need—precisely the issue RSA raised originally. In light of the significantly narrowed scope of SpaceX's request, RSA is now satisfied that SpaceX may operate experimentally without posing undue risks to 12 GHz Band licensees. Please contact me with any questions about this matter.

Sincerely,

/s/ V. Noah Campbell

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⁶ See Correspondence from Doug Young, FCC, to William Wiltshire, Counsel for SpaceX, ELS File No. 0773-EX-CN-2020 (filed Oct. 28 and 30, 2020).

⁷ See *id.*

⁸ See Correspondence from William Wiltshire, Counsel for SpaceX, to Doug Young, FCC, ELS File No. 0773-EX-CN-2020 (filed Oct. 30, 2020); Correspondence from William Wiltshire, Counsel for SpaceX, to Doug Young, FCC (filed Oct. 29, 2020).