

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT LLP
1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN L. WIENER
DEVENDRA ("DAVE") KUMAR

—
HENRIETTA WRIGHT
THOMAS G. GHERARDI, P.C.
COUNSEL

—
THOMAS S. TYCZ*
SENIOR POLICY ADVISOR
*NOT AN ATTORNEY

(202) 429-4900
TELECOPIER:
(202) 429-4912
general@g2w2.com

FILED ELECTRONICALLY

July 31, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: *Ex Parte* Filing
Application of Space Exploration Technologies Corp. for Experimental License for
the MicroSat-1a/b Test and Demonstration Mission**

Dear Ms. Dortch:

This *ex parte* filing, which we are submitting in our capacity as counsel to Space Exploration Technologies Corp. ("SpaceX"), addresses the July 24, 2015 reply filed by Intelsat License LLC ("Intelsat") to SpaceX's opposition to Intelsat's informal objection to SpaceX's above-referenced request for an Experimental License for the MicroSat 1-a/b Test and Demonstration Mission.¹ SpaceX is pursuing this experimental license to begin the process of deploying a constellation of some 4,000 satellites in low Earth orbit to provide high-quality, low-latency, and affordable broadband access to populations worldwide, consistent with public policy objectives of the Federal Communications Commission ("Commission"). Here, the Commission has long sought to leverage its experimental license process to facilitate the advancement of new technologies and innovation to better serve consumers, particularly regarding new entrants into the marketplace.

¹ Application of Space Exploration Technologies Corp. to Request an Experimental License for the MicroSat-1a/b Test and Demonstration Mission, File No. 0356-EX-PL-2015 (filed May. 29, 2015).

In its reply, Intelsat commends SpaceX for providing additional information through an expanded and publically available Exhibit 2, noting that the additional information was “illuminating.” Nevertheless, Intelsat requests a series of new pieces of information, none of which has bearing on its stated concerns with respect to potential interference and collision risks. This appears to be a fishing expedition to garner proprietary information and needlessly delay the experimental satellite application before the Commission. Here, it is worth reiterating to the Commission that Intelsat has a commercial interest in a direct competitor of SpaceX.

I. SpaceX Has Demonstrated It Will Not Cause Harmful Interference

With respect to interference issues, Intelsat states that it “needs additional information on 1) how 25.208(g) and (h) criteria for time percentages other than 100% will be met; 2) the transmit earth station minimum antenna gain or diameter; and 3) the transmit earth station’s associated sidelobe pattern.” The information that already has been made publically available in Exhibit 2, Exhibit 7, and Form 442 satisfies the Commission’s requirements and resolves the issues Intelsat raised.

Regarding item (1), downlink EPFD compliance methodology is demonstrated in Section 5.1 of Exhibit 2. For items (2) and (3), uplink EPFD compliance is demonstrated in Figure 5 of Exhibit 2. The sidelobe information given in Exhibit 2 (e.g. that the sidelobes of the transmit antenna will be more than 30dB down at 12 degrees off axis angles) is sufficient for Intelsat to be confident of compliance.

II. SpaceX Has Demonstrated It Complies With Collision Avoidance Requirements

With respect to collision, Intelsat asserts that its flight operations engineers have now examined Exhibit 7, which was made public prior to Intelsat filing its informal objection, and Intelsat now raises three new topics. Exhibit 7, however, already includes all of the elements required by Section 5.64(b)(3) of the rules and demonstrates that the chances of a collision are remote and within acceptable limits. The new concerns expressed by Intelsat are beyond the scope of the Commission’s requirements and are directed at SpaceX proprietary developmental design data, as well as seeking gratuitous information. Exhibit 7 provides ample basis for approving SpaceX’s collision avoidance plans.

III. “Permit-but-Disclose” Classification

Intelsat agrees with SpaceX that classifying this proceeding as “permit-but-disclose” serves the public interest pursuant to Sections 1.1200(a), 1.1206, and 1.1208 note 2 of the Commission’s rules.² The Commission, therefore, should grant SpaceX’s request.

² 47 C.F.R. § 1.1200(a).

SpaceX has, in good faith, provided Intelsat with sufficient information to address its concerns. The Commission, therefore, should reject the arguments in Intelsat's "informal objection."

Respectfully submitted,

/s/ Henry Goldberg

Henry Goldberg

Joseph A. Godles

Attorneys for Space Exploration Technologies Corp.

Thomas S. Tycz

Senior Policy Advisor

cc (via e-mail): Susan H. Crandall, Intelsat

Carl R. Frank, counsel for Intelsat

Julius Knapp, Office of Engineering and Technology, FCC

Doug Young, Office of Engineering and Technology, FCC

Nnake Nweke, Office of Engineering and Technology, FCC

Jose Albuquerque, International Bureau, FCC