

## **PUBLIC INTEREST STATEMENT**

The Boeing Company (“Boeing”) and SOM1101, LLC (“SOM1101”) (collectively, the “Applicants”), by their respective attorneys, seek authorization from the Federal Communications Commission (“Commission”) to amend Boeing’s Application to substitute SOM1101 as the party requesting authority to launch and operate a non-geostationary satellite orbit (“NGSO”) fixed-satellite service (“FSS”) system operating in the 37.5-42.5 GHz (space-to-Earth), and the 47.2-50.2 and 50.4-52.4 GHz (Earth-to-space) bands (collectively, the “V-band”).

With this Amendment, SOM1101 seeks Commission authority to contribute to the technological leadership of the United States and to its economic growth by introducing new satellite-delivered broadband services, thereby enhancing competition and the availability of broadband access in the United States and globally. The proposed NGSO FSS system would provide very high data rate connectivity with extremely low latency to support a wide range of Internet and communication services for residential, commercial, institutional, governmental and professional users worldwide. These services would be provided using a highly flexible and cost-effective satellite-based infrastructure, which could dynamically adjust to customer demand and compete effectively with terrestrial wireless and wireline services to provide global broadband services. The proposed system could communicate with both user terminals and gateway earth stations using the same V-band FSS frequencies. The satellites, gateways, and user terminals would use advanced phased-array antennas, narrow beam-forming, and satellite tracking capabilities to

continuously re-use all of the V-band FSS frequencies within the coverage footprint of each satellite, resulting in tremendous and highly efficient spectrum re-use and aggregate system capacity.

The public interest benefits of permitting SOM1101 to substitute as the applicant are significant. Led by Greg Wyler, whose contributions to the satellite industry include the innovative O3b Networks and OneWeb NGSO constellations, SOM1101 is uniquely qualified to hold the requested authorization and bring the proposed services to market quickly and efficiently. Because SOM1101 is well-positioned to bring innovative services to market, while Boeing excels at innovative design and manufacturing expertise, grant of the proposed Amendment would contribute to the provision of new competitive services and choices for consumers.

Grant of this Amendment would also be consistent with the Commission's rules – which do not prohibit the sale, transfer, or other conveyance of a pending NGSO application – as well as the Commission's policy to encourage “expediting service to the public.”<sup>1</sup> Not only does the proposed Amendment promote the Commission's policy objectives, but it also does not raise concerns about speculation. Boeing submitted its initial application in good faith with intent to construct a satellite system. This Amendment seeks to transfer the obligation to launch and operate the constellation to SOM1101, which is also well-qualified to bring the service to mass market. Boeing has maintained throughout this proceeding a clear intent to construct and operate the proposed NGSO FSS

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<sup>1</sup> Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order*, 18 FCC Rcd 10760, ¶ 215 (2003).

system.<sup>2</sup> After careful consideration, however, SOM1101 and Boeing have concluded that it would be more appropriate to implement an arrangement in which SOM1101 serves as the licensee and Boeing remains available to provide manufacturing and advisory service as needed. Such a revised framework is more consistent with the structure normally employed within the satellite communications industry in the United States.

Finally, Boeing did not submit its NGSO FSS Application with intent to sell it for a profit, and will not in fact profit from the requested transfer. As noted above, Boeing has never sought to sell its Application. Although Boeing will be reimbursed for a portion of its expenses in maintaining its NGSO FSS Application, at no point has Boeing sought to make a profit off the prosecution of its NGSO FSS Application, nor will Boeing realize a profit from the transfer of this Application to SOM1101.

Throughout this process, Boeing has sought to further the public interest by securing authority to launch and operate a global satellite system that could provide very high data rate broadband services to consumers throughout the world. Both SOM1101 and Boeing still seek to advance this goal. The prompt grant of this Amendment will help facilitate this effort by enabling the parties to bring service to consumers as quickly and efficiently as possible.

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<sup>2</sup> In addition to prosecuting the Application before the Commission, Boeing has been an active participant in working groups before the International Telecommunication Union (“ITU”) regarding protection criteria for NGSO FSS systems operating in the V-band. Boeing has also been an active participant in the Commission’s Spectrum Frontiers proceeding on the designation and use of spectrum on a shared basis in the V-band for terrestrial and satellite-based 5G communications services. In addition, Boeing has participated actively in the consultations of other countries on the allocation of spectrum and the development of rules for satellite and terrestrial operations in the V-band.

Because the requested change in applicant is not a major amendment for the purposes of the Commission's rules,<sup>3</sup> the Commission should continue consideration of the Application in the current processing round. To the extent necessary, however, and out of an abundance of caution the Applicants seek a waiver of Section 25.116(b) of the Commission's rules or an exemption of the processing round cut-off date pursuant to Section 25.116(c)(2) of the Commission's rules to enable consideration of the Application in the current processing round. The public interest justifications for such a waiver are consistent with the public interest benefits of the grant of this Application, as discussed herein.

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<sup>3</sup> 47 C.F.R. § 25.116(b).