

March 6, 2018

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in SAT-LOA-20161115-00118 and SAT-LOA-20170726-00110,
Space Exploration Holdings, LLC Application for Approval for Orbital Deployment and
Operating Authority for the SpaceX NGSO Satellite System (and Supplement)

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the MVDDS 5G Coalition¹ (the "Coalition") submits this letter to urge that any grant of the above-referenced application should include safeguards that will preserve the Commission's ability to make an additional 500 megahertz of spectrum available for fifth-generation mobile broadband ("5G") use. In particular, the Commission should make clear that any grant of authority to Space Exploration Holdings, LLC ("SpaceX") to commence non-geostationary orbit ("NGSO") operations in the United States is conditioned on SpaceX's acceptance of the risk of new terrestrial 5G uses of the 12.2-12.7 GHz band (the "12 GHz Band").

For the past 22 months the Coalition has urged the FCC to remove unnecessary regulatory constraints on the 12 GHz Band that prevent use of this spectrum for 5G wireless broadband services.² But, as the Coalition has noted, it does not appear to be possible for NGSO operations in 12 GHz band to co-exist with potential 5G terrestrial operations that could develop in that same spectrum band.³ For that reason, the Commission prudently noted in the context of

¹ The Coalition includes a cross-section of multichannel video distribution and data service ("MVDDS") and direct broadcast satellite ("DBS") licensees holding authorizations in the 12.2-12.7 GHz band, including: Braunston Spectrum LLC, Cass Cable TV, Inc., DISH Network L.L.C., GO LONG WIRELESS, LTD., MDS Operations, Inc., MVD Number 53 Partners, Satellite Receivers, Ltd., SOUTH.COM LLC, Story Communications, LLC, Vision Broadband, LLC, and WCS Communications, Inc.

² See Petition of MVDDS 5G Coalition for Rulemaking, RM-11768 (filed Apr. 26, 2016) ("12 GHz Band Petition"); see also *Consumer and Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed*, Public Notice, RM-11768, Report No. 3042 (CGB May 9, 2016).

³ See Tom Peters, MVDDS 12.2-12.7 GHz NGSO COEXISTENCE STUDY 18-19 (Aug. 15, 2016), *attached to* Petition to Deny of the MVDDS 5G Coalition, IBFS File No. SAT-LOI-20160428-00041 (Aug. 15, 2016); see also Reply Comments of the MVDSS 5G Coalition, RM-11768 at 11-13 (noting that "MVDDS services are severely constrained at present by the need to account for the protection of potential NGSO deployments in the band" and that "MVDDS licensees cannot deploy two-way 5G services in the 12.2-12.7 GHz band without overwhelming NGSO FSS operations").

another NGSO application that any attempts by that operator to enter the 12 GHz Band assumed the risk that future Commission action to support terrestrial use of the band could result in additional conditions or requirements:

As such, today's conditional grant of OneWeb's request does not preclude the Commission from initiating a rulemaking proceeding regarding the 12.2-12.7 GHz band on its own motion or in response to a petition for rulemaking, including the MVDDS Coalition's pending Petition, in the manner that best serves the public interest. Nonetheless, we note that OneWeb's request includes several additional frequency bands, such that even if NGSO FSS systems were precluded entirely from the 12.2-12.7 GHz band, OneWeb would still retain a measure of flexibility to provide its proposed services. **Accordingly, any investments made toward operations in this band by OneWeb in the United States assume the risk that operations may be subject to additional conditions or requirements as a result of such Commission actions.**⁴

The Coalition urges the Commission to adopt mirroring language in any grant of SpaceX's NGSO application. Much like OneWeb, SpaceX's reported plans could preclude the use of the 12 GHz Band for terrestrial 5G use, which would be a loss for competition and innovation. SpaceX's application seeks authorization to deploy NGSO services in multiple bands of spectrum that would include, among others, the 12 GHz Band.⁵

Conditioning SpaceX's grant of authority on its acceptance of possible future 5G terrestrial uses of the 12 GHz Band will not prejudice or harm SpaceX, any more than it would hurt OneWeb or other would-be NGSO operators. NGSOs are pursuing multiple gigahertz of other spectrum to support their planned services. SpaceX's application proposed to operate over a total of approximately **7,250** megahertz of spectrum covering the 10.7-12.7 GHz, 12.75-13.25 GHz, 13.85-14.0 GHz, 14.0-14.5 GHz, 17.8-18.6 GHz, 18.8-19.3 GHz, 19.7-20.2 GHz, 27.5-28.35 GHz, 28.35-29.1 GHz, 29.3-29.5 GHz, and 29.5-30.0 GHz bands.⁶ And, the FCC has already found in a similar NGSO proceeding that "even if NGSO FSS systems were precluded entirely from the 12.2-12.7 GHz band, [the NGSO operators] would still retain a measure of flexibility to provide [their] proposed services."⁷

⁴ See *WorldVu Satellites Limited Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System*, Order and Declaratory Ruling, 32 FC Rcd 5366 ¶ 6 (2017) ("2017 NGSO Order") (emphasis added).

⁵ Space Exploration Holdings, LLC, Application for Approval for Orbital Deployment and Operating Authority for the SpaceX NGSO Satellite System Supplement, IBFS File No. SAT-LOA-20170726-00110 at 7 (filed July 26, 2017).

⁶ See *id.*

⁷ 2017 NGSO Order ¶ 6.

Respectfully submitted,
MVDDS 5G Coalition

Braunston Spectrum LLC By: <u>/s/ Tim Davies</u> PO Box 783066 Wichita, KS 67278 (316) 239-8346 Cass Cable TV, Inc. By: <u>/s/ Chad Winters</u> 100 Redbud Road Virginia, IL 62691 (217) 452-4105 DISH Network L.L.C. By: <u>/s/ Alison Minea</u> 9601 S. Meridian Boulevard Englewood, CO 80112 202-463-3709 GO LONG WIRELESS, LTD. By: <u>/s/ Bruce Fox</u> 4832 Givens Court Sarasota, FL 34242 (941) 349-3500 MDS Operations, Inc. By: <u>/s/ Kirk Kirkpatrick</u> 800 SE Lincoln Ave Stuart, FL 34994 (772) 463-8338 MVD Number 53 Partners By: <u>/s/ A. Wray Fitch III</u> 6139 Franklin Park Road McLean, VA 22101 (703) 761-5013	Satellite Receivers, Ltd. By: <u>/s/ David R. Charles</u> 1740 Cofrin Drive Green Bay, WI 54302 (920) 432-5777 SOUTH.COM LLC By: <u>/s/ Alison Minea</u> 9601 S. Meridian Boulevard Englewood, CO 80112 202-463-3709 Story Communications, LLC By: <u>/s/ Bobby Story</u> PO Box 130 Durant, OK 74702 (580) 924-2211 Vision Broadband, LLC By: <u>/s/ Patrick McGuinn</u> 145 East 49th Street Hialeah, FL 33013 (202) 255-9011 WCS Communications, Inc. By: <u>/s/ Larry Saunders</u> 3562 Knickerbocker Road San Angelo, TX 76904 (512) 794-1198
---	---

March 6, 2018