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September 22, 2020

VIA ECFS and IBFS

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

Re: R2 Space, Inc. Petition For Waiver, Fee Determination and Deferral of Payment

Dear Ms. Dortch:

This letter updates the record concerning the above-referenced “Petition For Waiver, Fee Determination and Deferral of Payment” (“Petition”) filed on May 11, 2020 on behalf of R2 Space, Inc. (“R2 Space”). The Petition was filed concurrently with R2 Space’s application to launch and operate a non-geostationary satellite (“NGSO”) network composed of up to eight small satellites. *See* FCC File No. SAT-LOA-20200511-00042. At the time of the filing, more than nine months had elapsed since the Commission had adopted new rules governing the implementation of this type of satellite network, including a substantially reduced “SmallSat” application fee,¹ but the rules were not yet effective as they had not been published in the *Federal Register*.

Because R2 Space’s plans contemplate launch before the end of this year, it felt it could wait no longer to submit its application. Nonetheless, given the fact that its proposal was consistent with the SmallSat Rules, making it eligible for the lower application fee, it submitted the application subject to the Petition, which sought three overlapping rulings: (1) a waiver of the high NGSO application fee to allow acceptance of the application without a fee payment; (2) deferral the application fee requirement until the Commission has established appropriate

¹ *See Streamlining Licensing Procedures for Small Satellites*, 34 FCC Rcd 13077 (2019) (“*SmallSat R&O*”), adopting a new rule to be codified as 47 C.F.R. 25.122 (together with conforming rule change, the “SmallSat Rules”).



procedures for filing applications under the SmallSat Rules, and (3) a determination that the appropriate fee for R2 Space's application is the \$30,000 fee adopted in the 2019 *SmallSat R&O*.

Since the Petition was filed, the SmallSat Rules have become effective as of August 19, 2020,² at which time the Commission's fee system was able to accommodate filing of applications subject to the \$30,000 fee. Shortly thereafter, the FCC's Satellite Division staff informed R2 Space that it could submit this fee payment under the new fee code, and R2 Space paid this fee on September 1, 2020. Following that payment, the application was placed on Public Notice as Accepted for Filing.³

Given these developments, R2 Space no longer believes that it requires either a waiver of the fee payment requirement or a deferral of the obligation to pay. The means of payment have been established and R2 Space has paid the \$30,000 fee set under the SmallSat Rules. Now that its application has appeared on Public Notice as "Accepted," R2 Space believes it needs only a final determination that the fee it paid on September 1, 2020 is the correct fee.

Accordingly, R2 Space hereby withdraws the portions of its Petition seeking fee waiver and deferral, and it limits its pending request for relief to a final determination that its \$30,000 payment was the proper fee for processing its application. Grant of the application would moot the need for any Commission or FCC staff ruling. Therefore, at such time as a grant issued in File No. SAT-LOA-20200511-00042 becomes a final order,⁴ the Commission may consider the above-referenced Petition to have been withdrawn, requiring no further action by the Commission.

Should there be any questions, please contact the undersigned counsel.

Respectfully submitted,

By: David S. Keir

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cc: Merissa Velez
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² See Streamlining Licensing Procedures for Small Satellites, 85 Fed. Reg. 43711 (July 20, 2020) (establishing the August 19, 2020 effective date of the SmallSat Rules).

³ See FCC Public Notice, "Satellite Policy Branch Information: Space Station Applications Accepted for Filing," Report No. SAT-01495, at 1 (released Sept. 4, 2020).

⁴ 47 C.F.R. § 1.117 (establishing that orders on delegated authority may either become final or be reviewed by the Commission on its own motion within 40 days of grant).