

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Orbital Sidekick, Inc.) File No. _____
)
Petition for Waiver of Application Fees) Call Sign: _____
Pursuant to Section 1.1119 of the)
Commission’s Rules)
)

PETITION FOR PARTIAL FEE WAIVER

Pursuant to Section 1.3 and 1.1119 of the Commission’s rules, Orbital Sidekick, Inc. (“OSK”) respectfully requests that the Commission partially waive the application fee in connection with its contemporaneously filed application for authorization to launch and operate six (6) small satellites in non-geostationary orbit.¹ In December 2020, the Commission adopted a Report and Order amending the schedule of application fees set forth in Section 1.1102 through 1.1109 of the Commission’s rules.² Therein, the Commission reduced the application fee for small satellite deployments from \$30,000 to \$2,175.³ However, as of the time of filing the Application, this new fee schedule has not yet taken effect.⁴

¹ Orbital Sidekick, Inc.’s Application for Authority to Launch and Operate a Non-Geostationary Satellite Orbit System in the Earth-Exploration Satellite Service, File No. SAT-LOA - ____ (filed May 20, 2021) (“Application”). This Application is submitted pursuant to the Commission’s streamlined licensing procedures governing small satellites. *See* 47 C.F.R. § 25.122.

² *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission’s Rules*, Report and Order, 35 FCC Rcd 15089 (2020).

³ *Id.* ¶ 174.

⁴ *See Schedule of Application Fees of the Commission’s Rules*, Final Rule, 86 FR 15026, 15062 (2021); *Office Of Managing Director Announces Effective Date of FY 2021 Application Fees Order*, Public Notice, DA-21-442 (rel. Apr. 19, 2021).

The Commission may waive or defer application fees “where good cause is shown” and such action would “promote the public interest.”⁵ Here, a partial waiver of the small satellite application fee is warranted because the Commission has already found that the appropriate cost to review and process a small satellite application is \$2,175. Requiring OSK to pay an outdated and substantially higher application fee does not serve the public interest, especially when the new fee may be implemented while OSK’s Application is under review by the Commission. Moreover, partially waiving the instant application fee to align with the newly-adopted rules is consistent with Commission precedent and policy.⁶

Thus, there is good cause to grant OSK’s request for partial waiver of the small satellite application fee, and OSK respectfully requests that the Commission apply the newly-adopted \$2,175 application fee to the instant Application.

Respectfully submitted,

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⁵ 47 C.F.R. § 1.1119(a); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

⁶ *See, e.g.*, Application of R2 Space, Inc. for Authority to Launch and Operate a Non-Geostationary Satellite Orbit System in the Earth-Exploration Satellite Service, Stamp Grant, IBFS File No. SAT-LOA-20200511-00042, at Condition 2 (Grant Stamp Dec. 18, 2020) (granting request for application to be processed under the Commission’s small satellite licensing process even though rules were not in effect at the time the application was filed); Lynk Global, Inc., Application for Authority to Launch and Operate a Non-Geostationary Low Earth Orbit Satellite System in the Mobile-Satellite Service, File No. SAT-LOA-20210511-00064, Attachment Fee Waiver (requesting partial waiver of small sat licensing fee).

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