

June 14, 2017

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *IB Docket No. 16-408; IBFS File No. SAT-LOI-20160428-00041*

Dear Ms. Dortch:

On June 12, 2017, Patricia Cooper, Vice President, Satellite Government Affairs for Space Exploration Holdings, LLC (“SpaceX”), and undersigned counsel met separately to discuss the above referenced proceedings with Rachael Bender, Wireless and International Advisor to Chairman Pai; Erin McGrath, Wireless, Public Safety, and International Legal Advisor to Commissioner O’Rielly; and Daudeline Meme, Wireless, Public Safety, and International Legal Advisor to Commissioner Clyburn. Specifically, in each meeting, we discussed the draft Order and Declaratory Ruling under consideration by the Commission setting forth the multiple pre-conditions, including the criticality of spectrum sharing, under which WorldVu Satellites Limited d/b/a OneWeb (“OneWeb”) would be allowed to provide satellite services in the United States via a non-geostationary satellite orbit (“NGSO”) system authorized by the United Kingdom.¹

OneWeb’s petition is part of an ongoing processing round for NGSO systems that propose to use certain Ka- and Ku-band spectrum.² The Commission’s rules contemplate that all applications in a processing round will be resolved at the same time.³ As an applicant in the NGSO processing round, SpaceX expressed its support for the Commission’s expeditious approach to licensing all qualified applicants within the round. SpaceX noted that moving on OneWeb’s heavily-conditioned market entry petition demonstrates the Commission’s general recognition that proposed NGSO satellite systems have significant potential to increase broadband connectivity throughout the U.S. SpaceX encouraged the Commission to maintain a brisk pace with respect to action on the ten additional NGSO applications that have been accepted for filing in this processing round.

¹ See generally materials available at <https://www.fcc.gov/document/oneweb-market-access-request>.

² See Public Notice, 31 FCC Rcd. 7666 (IB 2016) (announcing initiation of processing round).

³ See 47 C.F.R. § 25.157(d) (“After review of each of the applications in the processing round, and all the pleadings filed in response to each application, the Commission will grant all the applications that meet the standards of Section 25.156(a), and deny the other applications.”).

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Because the draft OneWeb order is so heavily conditioned on spectrum sharing, among other conditions, and depends in many respects upon the outcomes of other Commission proceedings, it is paramount that the Commission focus on completing the pending rulemaking to update the rules governing NGSO systems.⁴ SpaceX is encouraged that the Commission explicitly indicated in the draft order that no NGSO system will have exclusive spectrum rights; instead, all NGSO applicants in the processing round will be obligated to comply with the avoidance of in-line events sharing regime for all of their operations around the world.⁵ By finalizing rules to further develop and codify this regime, the Commission will achieve a much-needed updating of its regulations and provide operating certainty for an environment where multiple NGSO systems deploy and operate to provide advanced broadband service.

Establishing robust spectrum sharing and other conditions under which SpaceX, OneWeb, and other NGSO applicants would operate in order to serve the U.S. market is a positive step along the path toward granting all NGSO applications pending in the current processing round and subsequent rounds. As important as processing those applications, the Commission must turn its focus next toward finalizing the pending NGSO rulemaking proceeding to establish clear spectrum sharing rules and the appropriate mechanisms for an environment with multiple NGSO systems.

Sincerely,



William M. Wiltshire
Counsel to SpaceX

cc: Rachael Bender
Erin McGrath
Daudeline Meme

⁴ See *Updates to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, 31 FCC Rcd. 13651 (2016).

⁵ See *Draft Order*, ¶ 24(k) (“operations must comply with the avoidance of in-line interference method specified in 47 CFR § 25.261(b)-(d) with respect to any NGSO system licensed or granted U.S. market access pursuant to the processing round initiated in Public Notice, DA 16-804.”).