

## WAIVER REQUESTS

Pursuant to Section 1.3 of the Commission's rules, the Commission may waive its rules for good cause shown.<sup>1</sup> "Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule," including "more effective implementation of overall policy."<sup>2</sup> In determining whether waiver is appropriate, the Commission should "take into account considerations of hardship, equity, or more effective implementation of overall policy."<sup>3</sup> As shown below, there is good cause for the Commission to grant a waiver, to the extent necessary, of various limitations in the Commission's Schedule S software.

As required by the Commission's rules,<sup>4</sup> SpaceX has submitted with this application a completed Schedule S, which contains certain technical information in a prescribed form. However, SpaceX has found that it cannot accurately describe its system in certain respects due to limitations in Schedule S itself. Below we discuss four aspects of the SpaceX System that fall into this category as well as how the Schedule S was completed in light of these limitations. To the extent necessary, SpaceX requests that the Commission waive these aspects of Schedule S in light of these limitations.

First, it is impracticable to submit complete orbital parameter data for the SpaceX system using the Schedule S web form. Accordingly, SpaceX will provide a sample of that data in the electronic version of Schedule S and deliver to the Commission a database with the complete

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<sup>1</sup> 47 C.F.R. § 1.3. See also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

<sup>2</sup> *GE American Communications, Inc.*, 16 FCC Rcd. 11038, ¶ 9 (IB 2001).

<sup>3</sup> *WAIT Radio*, 418 F.2d at 1159.

<sup>4</sup> See 47 C.F.R. § 25.114(a)(1).

information required on Schedule S, including orbital parameters, for inclusion in the record of this application.<sup>5</sup>

Second, Section 25.114(c)(4)(v) requires both the minimum and maximum saturation flux density (“SFD”) values for each space station receive antenna that is connected to transponders. The concept of SFD only applies to “bent pipe” satellite systems, and thus is not relevant to the SpaceX System. However, the Schedule S software does not allow an entry of “not applicable.” Instead, it requires a numerical entry for SFD, which must be different for the maximum and minimum values. In order to accommodate this requirement, SpaceX has entered values of “0” and “-0.1” in Schedule S with respect to these parameters.

Third, Schedule S limits entries for maximum EIRP for transmit beams to values greater than or equal to zero. However, some of SpaceX’s TT&C beams transmit at negative maximum EIRPs when expressed in the units required on the Schedule S form. Accordingly, it was not possible to enter the correct value in the web-based Schedule S. SpaceX has therefore entered a value of zero in the web-based form but included the correct value in the complete database of technical parameters.

Fourth, Schedule S requires entry of the begin and end angle for the active service arc with respect to the ascending node for each orbital plane. All satellites in the proposed modified system, as in the currently licensed system, will be active for their entire orbital period. However, Schedule S does not permit entry of more than two digits for the active service arc end angle, making it impossible to enter the correct value of 360 degrees. Accordingly, SpaceX has entered a value of “0” to denote full-arc service.

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<sup>5</sup> Because SpaceX will provide only a portion of its orbital parameter data in the Schedule S, not all aspects of the system will be accurately captured by that software. For example, the “Total Number of Satellites in the Active Constellation” will reflect the number provided in the sample rather than the total number in the SpaceX System.