

VIA ELECTRONIC FILING

13 May 2019

Marlene H. Dortch

Secretary Federal
Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WorldVu Satellites Limited letter notifying the Commission of the launch of its first space station

Dear Ms. Dortch:

On April 29, 2019 the Federal Communications Commission (the “Commission”) received correspondence from WorldVu Satellites Limited (“OneWeb”) claiming first priority in home spectrum selection in Ku Band¹ for the systems filed within the OneWeb processing round (“Processing Round”)².

Kepler wishes to congratulate OneWeb on the successful launch and commissioning of its first six satellites. Once complete, the system will represent an unprecedented marvel of engineering. OneWeb’s vision and ambition to *provide high-quality, broadband Internet access to small low-cost user terminals located anywhere on the Earth*³ has the potential to form a vital component of the global space-based telecommunications backbone. For this, Kepler wishes OneWeb good luck on the rest of its deployment campaign.

In the aforementioned letter, OneWeb states that because the “first space station in the OneWeb System has met the requirement to be launched and capable of operating”, it “[t]herefore [...] claims first priority in home spectrum selection in the Ku-band”. Kepler kindly wishes to point out that Section 25.261(c)(1) of the Commission’s rules does not require an operator to notify the Commission of the launch of its first spacecraft to fulfill the selection order condition.⁴ As the convention implies, a framework which operates under the procedure of first-come first-served, would generally have the priority in home spectrum selection awarded to the system that *first* completes its requirements under Section 25.261(c)(1). In this regard, Kepler has been operating its own system in Ku-band since January 19th, 2018 with the launch of its “KIPP” 3U spacecraft. On November 29th 2018, Kepler launched its

¹ See *Home Spectrum Letter*, IBFS File No. SAT-LOI-20160428-00041, (Apr 29, 2019).

² See IBFS File Nos. SAT-LOI-20160428-00041 (OneWeb); SAT-MOD-20160624-00060 and SAT-AMD-20161115-00116 (O3b Limited); SAT-PDR- 20161115-00108 (Telesat Canada); SAT-LOA-20161115-00109 (The Boeing Company); SAT-PDR-20161115-00111 (Space Norway AS); SAT-PDR-20161115-00112 (LeoSat MA, Inc.); SAT-LOA-20161115-00113 (Karousel LLC); SAT-PDR-20161115-00114 (Kepler Communications Inc.); SAT-LOA-20161115-00117 (Audacy Corporation); SAT-LOA-20161115-00118 (Space Exploration Holdings, LLC (SpaceX)); SAT-PDR-20161115-00120 (ViaSat, Inc.); SAT-LOA-20161115-00121 (Theia Holdings A, Inc.).

³ See *Technical Narrative*, Par 1, IBFS File No. SAT-LOI-20160428-00041, (Apr 28, 2016).

⁴ See 47 C.F.R. § 25.261(c)(1). Stating that “[t]he selection order for each satellite network will be determined by the date that the first space station in each satellite system is launched and capable of operating in the frequency band under consideration”.

second satellite, nicknamed “CASE”. Not only were both satellites quickly confirmed as operational after launch, but they have been successfully carrying out commercial operations in Ku-band since 2018.⁵

As far as Kepler is aware, this launch represented the first deployment of a Ku-band satellite within the Processing Round, and as such it should have first priority in any selection of home spectrum within Ku-band. Despite this, Kepler is actively engaging with all relevant parties to come to formal coordination agreements in the near future. Needless to say, it is disappointing to see OneWeb try and undercut Kepler’s position given the publicity that surrounded the successful deployment of not one, but two satellites.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

/S/ Nickolas G. Spina

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⁵ See SpaceNews, Kepler’s first satellite hitched ride on last week’s Long March 11 launch (Jan. 22, 2018).
<https://spacenews.com/kepler-confirms-health-of-leo-ku-band-cubesat/>