



October 9, 2019

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

Re: Written *Ex Parte* Presentation
IBFS File No. SAT-STA-20190924-00098

Dear Ms. Dortch:

EchoStar Satellite Operating Corporation (“ESOC”), Hughes Network Systems, LLC (“Hughes”), Intelsat License LLC (“Intelsat”), and AT&T Services, Inc. (collectively, the “GSO Satellite Operators”) submit this response to Space Exploration Holdings, LLC’s (together with its affiliates, “SpaceX”) above-referenced request for special temporary authority (“STA”) to place non-geostationary orbit Starlink satellites into its requested orbital planes and to communicate with gateway earth stations during early operations.¹ Specifically, the GSO Satellite Operators reiterate their opposition to any grant of STA or associated modification applications, absent appropriate conditions to ensure compliance with applicable equivalent power flux density (“EPFD”) limits.² As the GSO Satellite Operators have proposed, such conditions should include the following language: “[P]rior to or upon commencement of operation of its system, SpaceX must submit the data used as input to the ITU-approved validation software to demonstrate compliance with applicable EPFD limits.”³ As noted below, the addition of such a condition is entirely consistent with FCC precedent imposing such a condition just last year on other non-geostationary orbit (“NGSO”) applicants.

¹ See SpaceX, Application for STA, IBFS File No. SAT-STA-20190924-00098 (Sept. 24, 2019).

² See, e.g., Letter from Jennifer A. Manner, ESOC & Hughes, and Susan H. Crandall, Intelsat, to Marlene H. Dortch, Secretary, FCC, IBFS File Nos. SAT-MOD-20181108-00083 *et al.*, at 1-3 (Apr. 25, 2019); Reply of ESOC, Hughes & Intelsat, IBFS File No. SAT-MOD-20181108-00083 (Mar. 5, 2019).

³ Comments and Petition to Condition of GSO Satellite Operators, IBFS File Nos. SES-LIC-20190211-00151 *et al.*, at 4 (July 12, 2019).

Contrary to SpaceX's claim that it already has submitted EPFD input files as part of a letter submitted on November 9, 2018,⁴ a search of the filings and attachments in IBFS File No. SAT-MOD-20181108-00083 reveals no evidence of such a letter or other filing with the Commission.⁵ The closest reference to the provision of these files is a statement in the Technical Information attachment to the modification application that "SpaceX will submit the input databases underlying these [EPFD] analyses to the Commission under separate cover."⁶

Additionally, this requirement recently has been imposed on other Ka-band NGSO satellite applicants, including LeoSat and Kepler,⁷ directly refuting SpaceX's argument that the proposed input data submission requirement is "conceptually flawed."⁸ Indeed, the Commission has found that "such a requirement satisfies the concerns of GSO FSS operators who request verification, either by the Commission or third parties, of the complete set of input information used for the EPFD showing to the ITU."⁹ The Commission has noted that "[s]ubmission of the data input files used for the ITU validation of Article 22 limits will allow such verification, either by the Commission or third parties."¹⁰

Consequently, as demonstrated above, the GSO Satellite Operators' proposed data submission requirement is fully consistent with Commission precedent and provides an important safeguard here, as there is no verifiable evidence to substantiate SpaceX's claim that it already has submitted EPFD input files to the Commission. Of equal importance, the FCC has taken the same action and imposed the proposed condition on other NGSO applicants. Accordingly, the Commission should adopt the proposed data submission requirement, unless SpaceX demonstrates that it has in fact supplied EPFD input data files to the Commission for public review.

Please direct any questions regarding this matter to the undersigned.

⁴ See Response of SpaceX, IBFS File No. SES-LIC-20190211-00151, at 2 & n.5 (July 25, 2019) ("SpaceX Response").

⁵ See generally IBFS File No. SAT-MOD-20181108-00083.

⁶ SpaceX, IBFS File No. SAT-MOD-20181108-00083, Technical Information at 24 (filed Nov. 8, 2018).

⁷ See, e.g., *LeoSat MA, Inc.*, Order and Declaratory Ruling, 33 FCC Rcd 11486, ¶ 22(m) (2018) ("*LeoSat*") ("LeoSat must ... submit the files containing the data used as input to the ITU validation software, unless they have been submitted before and do not need any update."); *Kepler Communications Inc.*, Order and Declaratory Ruling, 33 FCC Rcd 11453, ¶ 26 (2018) ("*Kepler*") ("Kepler must ... submit the files containing the data used as input to the ITU validation software, unless they have been submitted before and do not need any update.").

⁸ See SpaceX Response at 3.

⁹ *LeoSat* ¶ 8; *Kepler* ¶ 9.

¹⁰ *Id.*

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Respectfully submitted,

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