



February 22, 2021

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Space Exploration Holdings, LLC Request for Special Temporary Authority,
IBFS File Nos. SAT-STA-20200610-00071 and SAT-STA-20201218-00147

Dear Ms. Dortch:

In the above-referenced application proceedings, Space Exploration Holdings, LLC (“SpaceX”) seeks special temporary authority (“STA”) to permit its non-geostationary orbit (“NGSO”) satellites to communicate with earth stations during orbit-raising, de-orbiting, and early phases of operations.

This STA was first requested by SpaceX in June (the “Initial STA Request”).¹ After the Initial STA Request was placed on public notice,² Viasat petitioned the Commission to deny or defer that request.³ That petition remains unresolved.

Among other things, Viasat raised concerns with respect to:

- (i) SpaceX’s attempt to characterize the Initial STA Request as one for an extension of prior authority, when in reality SpaceX seeks *new* authority to operate under technical parameters that are significantly different than any that the Commission had previously authorized—including transmitting power levels many times those

¹ See IBFS File No. SAT-STA-20200610-00071 (“Initial STA Request”).

² See Report No. SAT-01478 (Jul. 2, 2020).

³ See Petition to Deny or Defer of Viasat, Inc. IBFS File No. SAT-STA-20200610-00071 (Aug. 3, 2020); *see also* Reply of Viasat, Inc., IBFS File No. SAT-STA-20200610-00071 (Aug. 28, 2020) (“Viasat Reply”).

previously authorized, and operations in excess of applicable equivalent power flux density (“EPFD”) limits;⁴

- (ii) SpaceX’s failure to fully analyze or justify these changed technical parameters—*e.g.*, by providing interference analysis with respect to its proposed power increase or an EPFD compliance showing; and
- (iii) Apparent “core reliability issues” with respect to SpaceX’s NGSO system—evidenced by reported failures of SpaceX satellites—raising questions with respect to the nature and root cause(s) of those failures and how they might impact SpaceX’s ability to control the communications payload on its satellites under the requested STA.

SpaceX has *not* resolved these issues, and the Commission has *not* granted the Initial STA Request. Nevertheless, SpaceX now purports to seek to “extend” that never-granted STA (the “New STA Request”).⁵ The issues that Viasat raised in response to the Initial STA Request remain unresolved and are also implicated by the New STA Request. Viasat therefore associates its prior filings with the New STA Request, incorporates those filings by reference into IBFS File No. SAT-STA-20201218-00147, and requests that the Commission otherwise treat those filings as applicable to both the Initial STA Request and New STA Request.

Viasat also notes that evidence of the “core reliability issues” with SpaceX’s NGSO network has continued to accumulate in recent months and the impact on the ability to reliably and effectively control and maneuver Starlink satellites remains unresolved. Viasat incorporates by reference relevant filings that it has made with respect to these matters in IBFS File No. SAT-MOD-20200417-00037.⁶

Under these circumstances, there is no basis upon which the Commission could conclude that grant of either the Initial STA Request or New STA Request would serve the public interest. Accordingly, the Commission should deny or defer both requests.

In addition, the Commission should require SpaceX to confirm that it is not currently conducting operations described in either the Initial STA Request or New STA Request (as both requests suggest that this may be occurring). As noted above, both STA Requests seek *new*

⁴ Viasat acknowledges that, in connection with the New STA Request, SpaceX has committed to “lower the level of higher power TT&C transmission by 2 dB” *See* Letter from SpaceX to FCC, IBFS File No. SAT-SAT-20201218-00147. But, as Viasat noted when SpaceX made the same commitment in connection with the Initial STA Request, this would merely reduce SpaceX’s unjustified power increase from a factor of 8x to a factor of 5x, while leaving other questions and concerns (*e.g.*, with respect to EPFD compliance) entirely unaddressed. *See* Viasat Reply at 2-9.

⁵ *See* IBFS File No. SAT-STA-20201218-00147 (“New STA Request”).

⁶ *See, e.g.*, Reply of Viasat, Inc. in Support of Its Petition Pursuant to Section 1.1307(c), IBFS File No. SAT-MOD-20200417-00037, at 24 (filed Jan. 19, 2021).

authority as opposed to a *continuation* of prior authority; consequently, SpaceX is not permitted to operate pending the Commission's consideration of those requests.⁷

Respectfully submitted,

/s/

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Vice President
US Government Affairs and Policy

Jarrett S. Taubman
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Government and Regulatory Affairs

cc: Patricia Cooper, SpaceX
William M. Wiltshire, Counsel to SpaceX

⁷ *Cf.* 47 C.F.R. § 1.62(b) (requiring the Commission to affirmatively act to authorize activity *not* of a continuing nature pending review of a request for renewal or extension).