



October 9, 2019

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

Re: Written *Ex Parte* Presentation
IBFS File Nos. SES-LIC-20190211-00151; SES-LIC-20190402-00425 *et seq.*; and
SES-AMD-20190410-00520 *et seq.*

Dear Ms. Dortch,

On July 25, 2019, SpaceX Services, Inc. and its sister company Space Exploration Holdings, LLC (collectively “SpaceX”) submitted a Response to the Comments and Petition to Condition filed by a coalition of geostationary orbit (“GSO”) satellite operators, including EchoStar Satellite Operating Corporation, Hughes Network Systems, LLC, Intelsat License LLC, and AT&T Services, Inc. (collectively, the “GSO Satellite Operators”).¹ In its Response, SpaceX objects to the GSO Satellite Operators’ proposed license condition requiring SpaceX to submit data used as input to the ITU-approved validation software to demonstrate compliance with applicable EPFD limits.

SpaceX contends that “as part of the modification application for its space station authorization, SpaceX already submitted the input databases for the analysis using ITU-approved software developed by Transfinite Systems to demonstrate compliance with all applicable EPFD single entry validation limits in the Ku- and Ka-bands.”² However, despite SpaceX’s claim that these EPFD input files were submitted as part of a letter on November 9, 2018,³ a search of the filings and attachments in IBFS File No. SAT-MOD-20181108-00083 reveals no evidence of

¹ See Comments and Petition to Condition of EchoStar Satellite Operating Corporation, Hughes Network Systems, LLC, Intelsat License LLC, and AT&T Services, Inc. (collectively, “GSO Satellite Operators”), IBFS File Nos. SES-LIC-20190211-00151, SES-LIC-20190402-00425 *et seq.* & SES-AMD-20190410-00520 *et seq.* (July 12, 2019); *see also* Response of SpaceX Services, Inc. to Comments and Petition to Condition, IBFS File No. SES-LIC-20190211-00151 (July 25, 2019) (“SpaceX Response”).

² SpaceX Response at 2.

³ *See id.* at 2 & n.5.

such a letter or other filing with the Commission.⁴ 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.”⁵

SpaceX further argues that the proposed input data submission requirement is “conceptually flawed” and provides an “opportunity to ... undercut the [ITU’s] determination of EPFD compliance.”⁶ Such requirement, however, recently has been imposed on other Ka-band NGSO satellite applicants, including LeoSat and Kepler.⁷ 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.”⁸ 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.”⁹

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 claims that it has submitted the applicable EPFD files to the Commission. Accordingly, the Commission should adopt the proposed data submission requirement, unless SpaceX demonstrates that it has in fact supplied its EPFD input data files to the Commission for public review, as it has claimed.

Please direct any questions regarding this matter to the undersigned.

⁴ See generally IBFS File No. SAT-MOD-20181108-00083.

⁵ Space Exploration Holdings, LLC, Application for Modification of Authorization for the SpaceX NGSO Satellite System, IBFS File No. SAT-MOD-20181108-00083, Technical Information at 24 (filed Nov. 8, 2018).

⁶ See SpaceX Response at 3.

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 *LeoSat* ¶ 8; *Kepler* ¶ 9.

⁹ *Id.*

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Respectfully submitted,

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