

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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Applications of)	
)	
SPACE EXPLORATION HOLDINGS, LLC)	
)	
For Special Temporary Authority for the)	IBFS File No. SAT-STA-20190924-00098
SpaceX NGSO Satellite System)	
)	
SPACE X SERVICES, INC.)	
)	
For Special Temporary Authority for)	IBFS File Nos. SES-STA-20190925-01225
Various SpaceX Earth Stations)	through -01232, -01234, -01242 through -01244
_____)	

CONSOLIDATED OPPOSITION

Space Exploration Holdings, LLC and SpaceX Services, Inc., both wholly owned subsidiaries of Space Exploration Technologies Corp. (collectively, “SpaceX”), hereby oppose the Petition to Defer or Deny of Kepler Communications, Inc. (“Kepler”) and the letter of opposition filed by WorldVu Satellites Limited (“OneWeb”) with respect to the above referenced applications.¹ In those applications, SpaceX seeks special temporary authority (“STA”) for its space stations and earth stations in anticipation of the upcoming launch a second tranche of its non-geostationary orbit (“NGSO”) satellites. As discussed below, OneWeb and Kepler are attempting to prevent SpaceX from following the same well-established Commission procedures that they have used themselves.

¹ See Petition to Defer or Deny of Kepler Communications, Inc. (Oct. 15, 2019) (“Kepler Petition”); Letter from Brian D. Weimer to Marlene H. Dortch (Oct. 17, 2019) (“OneWeb Letter”). Both filings were submitted in IBFS File No. SAT-STA-20190924-00098. The OneWeb Letter also was submitted in IBFS File Nos. SES-STA-20190925-01225 through -01232, -01234, and -01242 through -01244.

Both Kepler and OneWeb have based their objections to SpaceX's STA request on the premise that it would allow SpaceX to begin deploying its NGSO constellation in accordance with the parameters of a modification application that is still pending. In that underlying application, SpaceX proposes an incremental adjustment to the orbital spacing of its satellites as currently authorized to accelerate its timetable for providing high speed, low latency, competitively priced consumer broadband service throughout the United States.² Notably, SpaceX has demonstrated that it can accomplish this acceleration of coverage and capacity for U.S. consumers without adding to the number of satellites or changing their orbital altitude, their inclination, or their operational characteristics.

Because SpaceX has requested STAs to begin deploying satellites under the modified spacing parameters before the Commission grants the underlying modification, Kepler and OneWeb have chosen to characterize SpaceX's request as an attempt to "bypass" or "side-step" the Commission's review. They argue that it would be inappropriate for the Commission to grant an STA before affected parties have had an opportunity to comment on the underlying application and the Commission has fully resolved the issues in that proceeding.³

As OneWeb and Kepler should know, this line of argument directly conflicts with the Commission's rules and precedent. Section 25.120 specifically provides that the Commission may grant an STA for a period not to exceed 60 days without requesting public comment if "the applicant plans to file a request for regular authority for the service."⁴ Thus, the rules contemplate not only that STAs will be granted prior to completion of the comment period for a pending application, *but that there need not even be an underlying application pending at all.* Seeking an

² See IBFS File No. SAT-MOD-20190830-00087.

³ See OneWeb Letter at 2; Kepler Petition at 16.

⁴ 47 C.F.R. § 25.120(b)(3).

STA to implement a pending application therefore is not an attempt to avoid the Commission's rules, but rather an implementation of them.

This conclusion should come as no surprise to either OneWeb or Kepler, as both have recently availed themselves of this very rule. Earlier this month, OneWeb cited the same rule in requesting a 60-day STA to operate an earth station that is the subject of a pending application – a request that was granted just one week after it was filed.⁵ Similarly, in June, Kepler sought a 60-day STA to operate an earth station for which it “intends to file a request for regular earth station authority in the near future”⁶ – a request that Kepler still has not filed. For some reason, OneWeb and Kepler considered their requests for operational authority before grant (or even filing) of the underlying application legitimate but characterize SpaceX's use of the same procedures as nefarious. Rather, as demonstrated above, all of these instances represent precisely what the Commission's rules anticipate.

Unfortunately, it appears that OneWeb and Kepler are continuing a disturbing pattern of attempting to leverage their status as non-U.S. operators to delay deployment of U.S.-licensed systems to serve American consumers. Because neither OneWeb's nor Kepler's NGSO system is licensed by the Commission, they are not bound to seek STAs from the Commission for operations of their space stations during orbit raising and initial mission phases that do not fit within their operational authorizations as SpaceX is. And since neither OneWeb nor Kepler has tried yet to communicate with a U.S.-licensed earth station during those early mission phases, they also have not needed to seek earth station STAs to communicate during orbit raising, of the sort that SpaceX has requested. But the Commission has a long history of granting STAs to U.S.-licensed NGSO

⁵ See IBFS File No. SES-STA-20191002-01251.

⁶ See Exhibit A, IBFS File No. SES-STA-20190606-00735 (filed June 6, 2019).

systems to allow space stations to commence operations consistent with a pending or anticipated modification application prior to completion of the comment period and/or to grant of that underlying application. For example:

- The Commission granted a 60-day STA to Iridium so that it could operate in conformance with a pending modification that would extend the license for certain satellites and allow Iridium to maneuver them within its constellation. The underlying application was filed on October 30, the STA application was filed on November 17, and the STA was granted on November 30 – over a month before the underlying application was accepted for filing.⁷
- The Commission granted a 60-day STA to Digital Globe to launch and operate one of its NGSO satellites in conformance with the parameters in a pending modification application that included changed orbital parameters and emission designators. The underlying application was filed on July 30, the STA application was both filed and granted on September 14 – just over one month after the underlying application was accepted for filing.⁸
- The Commission granted a 60-day STA to Orbcomm so that it could operate two 50 kHz downlink channels to communicate with its gateway earth stations. Orbcomm argued that it was entitled to such an STA because operations under the STA could lead it to file a modification application for regular authority.⁹ The STA application was filed on July 25, and the STA was granted on August 15. There is no evidence in IBFS that an underlying modification application was ever filed.

As non-U.S. systems, Kepler and OneWeb may not have been aware of these Commission precedents. These three examples confirm the Commission’s practice of authorizing NGSO satellite systems to operate as proposed in a pending (or even notional) modification application. Indeed, the Commission has typically granted those STA applications within a matter of weeks to ensure responsible operations.

⁷ See Application, IBFS File No. SAT-STA-20171117-00158 (filed Nov. 17, 2017); Grant Stamp, IBFS File No. SAT-STA-20171117-00158 (Nov. 30, 2017); Public Notice, Rep. No. SAT-01286 (Dec. 1, 2017).

⁸ See Application, IBFS File No. SAT-STA-20070914-00126 (filed Sep. 14, 2007); Grant Stamp, IBFS File No. SAT-STA-20070914-00126 (Sep. 14, 2007); Public Notice, Rep. No. SAT-00464 (Aug. 10, 2007).

⁹ See Application, IBFS File No. SAT-STA-20080725-00149 at 1 n.2 (filed July 25, 2008); Grant Stamp, IBFS File No. SAT-STA-20080725-00149 (Aug. 15, 2008).

Although OneWeb did not raise any concerns in the underlying space station modification proceeding, it does note that Kepler and one other party have raised concerns.¹⁰ As demonstrated in the response filed by SpaceX in that docket, those concerns are unfounded, untimely, or easily addressed.¹¹ They should be no obstacle to the Commission's consideration of the specific STAs that SpaceX has requested. At a minimum, concerns about operations under the proposed modification should not prevent the Commission from granting those aspects of the requested STAs that are consistent with SpaceX's existing NGSO system authorization.

Respectfully submitted,

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¹⁰ See OneWeb Letter at 3-4.

¹¹ See Consolidated Opposition to Petitions of Space Exploration Holdings, LLC, IBFS File Nos. SAT-MOD-20181108-00083 and SAT-MOD-20190830-00087 (filed Oct. 30, 2019).

CERTIFICATE OF SERVICE

I hereby certify that, on this 30th day of October, 2019, a copy of the foregoing pleading was served via First Class mail upon:

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