



August 25, 2021

VIA IBFS

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street N.E.
Washington, D.C. 20554

**Re: *Ex Parte* Communication, File Nos. SAT-LOA-20200526-00055;
SAT-AMD-20210818-00105
*In the Matter of Space Exploration Holdings, LLC Amendment to Pending Application
for the SpaceX Gen2 NGSO Satellite System***

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, Kuiper Systems LLC, a wholly-owned subsidiary of Amazon.com Services LLC (collectively “Amazon”), respectfully submits this notice of an *ex parte* meeting on August 24, 2021 concerning the amendment proposed by Space Exploration Holdings, LLC (“SpaceX”) to its pending application for its next-generation non-geostationary orbit (“NGSO”) satellite system (the “Gen2 System”).¹ Specifically, Aaron Goldberger and Mariah Shuman of Amazon spoke with Troy Tanner at the FCC’s International Bureau via telephone to discuss matters relating to SpaceX’s pending application. A summary of the points raised at that meeting follow.

The Commission should dismiss the amendment proposed by SpaceX under section 25.112 of the Commission’s rules.² The *SpaceX Amendment* proposes two different configurations for the nearly 30,000 satellites of its Gen2 System, each of which arranges these satellites along very different orbital parameters. SpaceX’s novel approach of applying for two mutually exclusive configurations is at odds with both the Commission’s rules and public policy and we urge the Commission to dismiss this amendment.

The Commission’s rules require that SpaceX settle the details of its proposed amendment before filing its application—not after. To begin with, the Commission’s rules provide that an application will be rejected for filing and returned to the applicant if it “is defective with respect to completeness of answers to questions, informational showings, internal inconsistencies,

¹ See *Space Exploration Holdings, LLC, Amendment*, IBFS File No. SAT-AMD-20210818-00105, filed August 18, 2021 (“*SpaceX Amendment*”); Letter from David Goldman, Director of Satellite Policy, Space Explorations Technologies Corp., to Marlene H. Dortch, Secretary, FCC (filed Aug. 2, 2021) (describing the proposed amendment in a letter filed in the SAT-LOA-20200526-00055 docket).

² 47 C.F.R. § 25.112.

execution, or other matters of a formal character.”³ In applying this rule, the Commission has reasoned that “any relaxation of the requirement that satellite applicants submit substantially complete applications could encourage speculative applications.”⁴ Enforcing the rule, by contrast, “helps to ensure that the applicant is ready and willing to construct the satellite it proposes in its application.”⁵ Section 25.114 of the Commission’s rules, likewise, requires that license applications “comprise a comprehensive proposal.”⁶

Here, by leaving nearly every major detail unsettled—such as altitude, inclination, and even the total number of satellites—SpaceX’s application fails every test that section 25.112(a)(1) enumerates. And with respect to the requirement that license applications contain a “comprehensive proposal,” SpaceX’s proposed amendment contains either two comprehensive proposals or none at all. The effects cascade throughout SpaceX’s entire amendment. As one example, SpaceX is forced to seek a waiver of “the limitations in Schedule S” because, among other reasons, Schedule S does not allow it to “properly characterize the relationship between [its] two orbital configurations.”⁷

Forcing both the Commission and interested parties to grapple with the interference concerns posed by two separate configurations doubles the technical effort of every operator faced with the task of reviewing the interference and orbital debris concerns raised by SpaceX’s amendment. SpaceX points to this as a convenience, arguing that applying for both configurations will “enable the Commission to evaluate both approaches even as development proceeds.”⁸ It is *SpaceX*, however, that is required to evaluate and select among different approaches; both the Commission and interested parties need only examine a single “comprehensive proposal.”⁹

Should the Commission depart from its rules and precedent and endorse the approach of applying for multiple, mutually exclusive configurations, the consequences will extend far beyond the *SpaceX Amendment*. However inefficient this strategy might be for the Commission and parties responding to applications, other prospective licensees will surely see the benefit in maximizing their optionality by describing multiple configurations in their license applications. The Commission must guard against this outcome by insisting that SpaceX adhere to the well settled framework under Part 25—namely, that licensees submit an application for a single system, and that they are permitted to amend their applications within the timeframe and bounds described in section 25.116 of the Commission’s rules.

³ 47 C.F.R. § 25.112(a)(1).

⁴ *In re Amendment of the Commission’s Space Station Licensing Rules and Policies*, 18 F.C.C. Rcd. 10760, 10852 (2003).

⁵ *In the Matter of Echostar Satellite LLC*, 19 F.C.C. Rcd. 24953, 24958 (2004).

⁶ 47 C.F.R. § 25.114(a)(1).

⁷ *SpaceX Amendment, Waiver Requests* at 5.

⁸ *SpaceX Amendment, Narrative* at 1.

⁹ 47 C.F.R. § 25.114(a)(1).

Accordingly, the Commission should enforce its rules, dismiss *SpaceX's Amendment*, and invite SpaceX to resubmit its amendment after settling on a single configuration for its Gen2 System.

Sincerely,

/s/ Mariah Dodson Shuman

Mariah Dodson Shuman
Corporate Counsel
Kuiper Systems LLC,
an Amazon subsidiary

cc: Troy Tanner, International Bureau