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January 24, 2020

VIA IBFS AND ECFS

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

Re: **Notice of Ex Parte Presentation**
WorldVu Satellites Limited, IBFS File No. SAT-MOD-20180319-00022,
Call Sign S2963
Kuiper Systems, LLC, IBFS File No. SAT-LOA-20190704-00057, Call Sign S3051
Petition for Rulemaking to Permit MVDDS Use of the 12.2-12.7 GHz Band for
Two-Way Mobile Broadband Service, RM-11768

Dear Ms. Dortch:

On January 22 and 23, 2020, the undersigned, outside counsel to WorldVu Satellites Limited (“OneWeb”), along with Eric Graham, Regulatory Affairs, North America, of OneWeb, met with Commissioner Michael O’Rielly and staff from the offices of Commissioner Geoffrey Starks, Commissioner Jessica Rosenworcel, Commissioner Brendan Carr, and the Federal Communications Commission’s International Bureau. A full list of participants is included as Attachment A.

During these meetings, OneWeb described the tremendous progress it continues to make in deploying the first phase of its constellation. The next OneWeb satellite launch (just weeks away in early February 2020) will initiate a new wave of monthly launches that will result in several hundred of the satellites authorized for its initial constellation being deployed by the end of 2021. For this reason, OneWeb stressed the importance of prompt Commission action on the OneWeb Modification Application, which has been pending for nearly two years.¹ OneWeb explained how it must make concrete business planning decisions (e.g., executing launch contracts) in the near term in order to plan for continued launches beyond 2021. While other applicants and licensees in the processing round have been granted significant and sometimes multiple changes

¹ See WorldVu Satellites Limited, Application for Modification, IBFS File No. SAT-MOD-20180319-00022 (filed Mar. 19, 2018) (“OneWeb Modification Application”).

to their satellite configurations during this time frame, the OneWeb Modification Application remains pending. This is all the more surprising given the overwhelming public interest reasons for granting it.

As OneWeb explained in the meetings with Commission staff:

- OneWeb originally envisioned a much larger constellation, as reflected in its International Telecommunication Union (“ITU”) filings for a constellation of 1,980 satellites.
- In April 2016, OneWeb filed an application for market access with the Commission.² At the time, the Commission’s milestone rules required that NGSO satellite operators construct and launch 100% of their authorized satellites within six years.³ Cognizant of this strict milestone regime, OneWeb calculated how many satellites it would be able to construct and deploy in six years, and accordingly filed for a constellation of just 720 satellites even though it contemplated ultimately deploying 1,980 satellites.
- In July 2016, the Commission accepted OneWeb’s application for filing and announced a filing deadline of November 2016 for participants in the First Processing Round.⁴ In the Processing Round Public Notice, the Commission explicitly stated that “[a]pplicants and petitioners that file by the cut-off date will be afforded an opportunity to amend their requests, if necessary, to conform to any requirement or policies that may be subsequently adopted concerning NGSO-like satellite operation in these bands.”⁵

² WorldVu Satellites Limited, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb System, IBFS File No. SAT-LOI-20160428-00041 (filed Apr. 28, 2016) (“Market Access Petition”).

³ 47 C.F.R. 25.164(b) (2016).

⁴ See *Satellite Policy Branch Information; OneWeb Petition Accepted for Filing; Cut-Off Established for Additional NGSO-Like Satellite Applications or Petitions for Operations in the 10.7-12.7 GHz, 14.0-14.5 GHz, 17.8-18.6 GHz, 18.8-19.3 GHz, 27.5-28.35 GHz, 28.35-29.1 GHz, and 29.5-30.0 GHz Bands*, Public Notice, 31 FCC Rcd 7666 (2016) (“Processing Round Public Notice”).

⁵ *Id.* at 7667.

- OneWeb was granted market access for a constellation of 720 satellites in June 2017, with the requirement that OneWeb construct and launch all 720 satellites by June 2023.⁶
- In September 2017, the Commission adopted the 2017 NGSO Report & Order, which significantly relaxed the milestone rule by requiring 50% of an operator’s authorized satellites to be built and launched within six years of grant.⁷ This was exactly the kind of change in satellite policies the Commission contemplated in the Processing Round Public Notice that would allow companies like OneWeb to file a conforming amendment.
- OneWeb recognized that it could launch its originally-planned constellation of 1,980 satellites under the new milestone requirement, consistent with the number of satellites that it filed for at the ITU.
- Accordingly, OneWeb filed the OneWeb Modification Application in March 2018.⁸ The OneWeb Modification Application contained no changes in requested frequencies, altitude, or any other technical aspect of the OneWeb constellation. Instead, OneWeb made one simple request: to increase the number of authorized satellites from 720 to 1,980 to take into account the Commission’s new milestone rule in accordance with the policy for conforming amendments contemplated in the Processing Round Public Notice.

Equity, procedural parity, and the public interest overwhelmingly favor grant of the OneWeb Modification Application. And the time for favorable Commission action is now, in light of the business planning decisions OneWeb must make coupled with the deep and abiding demand for innovative broadband connectivity solutions.

OneWeb also discussed the pending application for a non-geostationary, fixed-satellite service (“NGSO FSS”) system filed by Kuiper Systems LLC (“Kuiper”).⁹ OneWeb noted the cut-off

⁶ See *WorldVu Satellites Limited; Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System*, Order and Declaratory Ruling, 32 FCC Rcd 5366, ¶ 28 (2017).

⁷ See *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 7809, ¶ 66 (2017) (“2017 NGSO Report & Order”).

⁸ See OneWeb Modification Application.

⁹ See Kuiper Systems LLC, Application for Authority to Launch and Operate a Non-Geostationary Satellite Orbit System in Ka-band Frequencies, IBFS File No. SAT-LOA-20190704-00057 (filed Jul. 4, 2019).

date for the current Ku-/Ka-band processing round was November 15, 2016.¹⁰ Just as OneWeb complied with the milestone rule when it filed the Market Access Petition, the Commission should maintain the integrity of its procedural rules when it comes to the cut-off date in the Processing Round Public Notice. OneWeb also emphasized that the investment expectations of the compliant applicants would be undermined by allowing Amazon into the first processing round nearly three years after the cut-off date for filing competing applications.¹¹

OneWeb also highlighted the importance of the 12.2-12.7 GHz frequencies in the Ku-band to NGSO FSS operators. OneWeb reiterated its positions of record with regards to the licensees of the Commission's decades-old multichannel video and data distribution service ("MVDDS") and the critically flawed MVDDS Petition, which threatens to drastically alter the operating environment in the Ku-band and undermine the billions of dollars in NGSO FSS investment from OneWeb and others.¹²

Please do not hesitate to contact the undersigned with any questions.

Very truly yours,

/s/ Brian D. Weimer

Brian D. Weimer
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Commissioner Michael O'Rielly
Erin McGrath, Office of Commissioner O'Rielly
Will Adams, Office of Commissioner Carr
Umair Javed, Office of Commissioner Rosenworcel
William Davenport, Office of Commissioner Starks

¹⁰ See Processing Round Public Notice.

¹¹ See Petition to Deny of WorldVu Satellites Limited, IBFS File No. SAT-LOA-20190704-00057 (Oct. 28, 2019); see also Reply of WorldVu Satellites Limited, IBFS File No. SAT-LOA-20190704-00057 (Nov. 25, 2019).

¹² See Letter from Brian D. Weimer, Counsel to WorldVu Satellites Limited, to Marlene H. Dortch, Secretary, FCC, IBFS File Nos. SAT-MOD-20180319-00022, *et. al.*, RM-11768 (Oct. 17, 2019); see also Petition of MVDDS 5G Coalition for Rulemaking, RM-11768 (filed Apr. 26, 2016) ("MVDDS Petition").

Tom Sullivan, IB
Troy Tanner, IB
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Alan Thomas, IB
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Karl Kensinger, IB
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**ATTACHMENT A
MEETING PARTICIPANTS**

Office of Commissioner O’Rielly:

Commissioner Michael O’Rielly
Erin McGrath

Office of Commissioner Carr:

Will Adams

Office of Commissioner Rosenworcel:

Umair Javed

Office of Commissioner Starks:

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