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October 17, 2019

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
Space Exploration Holdings, LLC, IBFS File No. SAT-MOD-20181108-00083,
Call Signs S2983/3018
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 October 15, 2019, the undersigned, outside counsel to WorldVu Satellites Limited (“OneWeb”), along with Adrian Steckel, Chief Executive Officer of OneWeb, met with Commissioner Geoffrey Starks and William Davenport, Chief of Staff and Senior Legal Advisor to Commissioner Starks.

During the meeting, OneWeb emphasized that grant of the OneWeb Modification Application, which has been pending since March 2018, would serve the public interest.¹ OneWeb reiterated that the OneWeb Modification Application was filed in response to the Commission’s relaxation of the non-geostationary, fixed-satellite service (“NGSO FSS”) milestone rules during the pendency of the current Ku-/Ka-band processing round.² OneWeb also expressed its strong

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

² 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).

support for equal regulatory treatment of competitors in this first processing round. In this regard, OneWeb expressed its concern that the Commission had reviewed and acted upon SpaceX's first modification application within 6 months after it was filed, despite substantial opposition.³ Indeed, the Commission is currently moving forward to process SpaceX's *second* modification application even before it takes any concrete action on the OneWeb Modification Application, which, as noted above, has been pending for over 18 months.⁴

OneWeb also discussed the pending application for an NGSO FSS system recently filed by Kuiper Systems LLC ("Kuiper").⁵ OneWeb noted the cut-off date for the current Ku-/Ka-band processing round (initiated by the Commission in response to OneWeb's application for U.S. market access in April 2016) was November 15, 2016.⁶ OneWeb expressed its concerns regarding the Kuiper application's impact on the current NGSO FSS operating environment and indicated it would expand upon these concerns in the upcoming comment cycle on the Kuiper application.

OneWeb also highlighted for Commissioner Starks the importance of the 12.2-12.7 GHz band ("12 GHz band") to NGSO FSS operators. The 12 GHz band is allocated to NGSO FSS operations on a co-primary basis and is critical for the provision of next-generation, NGSO-based connectivity services and applications to U.S. consumers. Multiple NGSO operators, including OneWeb, have launched satellites and begun constructing network infrastructure that will utilize the 12 GHz band to unlock innovation and facilitate competition for high-speed, low-latency connectivity services. This strong record of intensive capital investment and aggressive

³ See *Space Exploration Holdings, LLC, Request for Modification of the Authorization for the SpaceX NGSO Satellite System*, Order and Authorization, 34 FCC Rcd. 2526 (Apr. 26, 2019); see also, e.g., *WorldVu Satellites Limited, Petition to Deny or Defer*, IBFS File No. SAT-MOD-20181108-00083 (filed Feb. 8, 2019).

⁴ See *Space Exploration Holdings, LLC, Application for Modification of Authorization for the SpaceX NGSO Satellite System*, IBFS File No. SAT-MOD-20190830-00087 (filed Aug. 30, 2019).

⁵ 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).

⁶ 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).

deployment stands in stark contrast to licensees of the Commission's near decades-old multichannel video and data distribution service ("MVDDS"), who continue to camouflage their failure to utilize the 12 GHz band in hopes of successfully reaping a spectrum windfall.⁷ Therefore, any favorable Commission action on the critically flawed MVDDS Petition would threaten to drastically alter the operating environment in the 12 GHz band and undercut the billions of dollars in investment that have brought NGSO FSS systems to the current transformative moment in NGSO-based connectivity for the American consumer.

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 Geoffrey Starks
William Davenport, Office of Commissioner Starks

⁷ See Petition of MVDDS 5G Coalition for Rulemaking, RM-11768 (filed Apr. 26, 2016) ("MVDDS Petition").