



April 26, 2021

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: *Expanding Flexible Use of the 12.2-12.7 GHz Band, Notice of Proposed Rulemaking*, WT Docket No. 20-443

Dear Ms. Dortch:

WorldVu Satellites Limited (“OneWeb”), Kepler Communications, SpaceX Holdings, LLC (“SpaceX”), Intelsat License LLC, and SES S.A. (together, the “12 GHz Alliance”) respectfully request a further extension of the comment and reply comment deadlines in the above captioned proceeding¹ until RS Access, LLC (“RS Access”) produces in the record the technical analyses purportedly establishing the feasibility of sharing between MVDDS licensees and co-primary satellite operations (the “RS Sharing Studies”) in the 12 GHz band.²

Both SpaceX and the 12 GHz Alliance previously explained that the submission of the RS Sharing Studies is a gating item with respect to the ability of satellite stakeholders to prepare meaningful comments and that absent submission of the RS Sharing Studies, a further extension of the comment cycle may be required.³ When it extended the initial comment and reply

¹ See *Expanding Flexible Use of the 12.2-12.7 GHz Band*, Notice of Proposed Rulemaking, WT Docket No. 20-443 (rel. Jan. 15, 2021) (the “12 GHz NPRM”); see also *Expanding Flexible Use of the 12.2-12.7 GHz Band*, Order, WT Docket No. 20-443, GN Docket No. 17-183 (rel. Mar. 29, 2021) (“Extension Grant”).

² See, e.g., Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443 (filed Feb. 8, 2021) Attachment at 1; Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443 (filed Mar. 15, 2021) Attachment at 2.

³ See, Letter from Ruth Pritchard-Kelly, Senior Advisor, OneWeb *et al.*, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, at 1 (filed Mar. 12, 2021); Letter from David Goldman,

comment deadlines in this proceeding, the Commission noted the failure of RS Access to provide the RS Sharing Studies and hoped the issue would “be rendered moot” by the extension of the comment cycle.⁴ To date, RS Access has *still* not made the RS Sharing Studies publicly available. With less than two weeks before initial comments are due in this proceeding, this ongoing failure of RS Access to introduce the RS Sharing Studies into the record is critically undermining the ability of the members of the 12 GHz Alliance to prepare substantive analyses of the significant technical issues identified in the 12 GHz NPRM.⁵

Therefore, in the interest of administrative efficiency, developing a robust record in this proceeding, and basic fairness to key satellite stakeholders, the 12 GHz Alliance respectfully requests a further extension of the comment and reply comment deadlines in the 12 GHz NPRM until RS Access produces the RS Sharing Studies. Grant of a further extension would serve the public interest by ensuring that a fully transparent and comprehensive record is developed upon which the Commission is able to carefully evaluate the important issues raised in the 12 GHz NPRM. A further extension of the comment cycle in this proceeding would also be consistent with similar extensions granted by the Commission in proceedings where information crucial to the development of a complete administrative record had not yet been made available.⁶

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Director of Satellite Policy, SpaceX, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, at 1–2 (filed Mar. 22, 2021) (stating that “[w]ithout these updated RS Access Studies, stakeholders have no way to know what has changed and what the MVDDS licensees are now proposing”).

⁴ Extension Grant n. 6.

⁵ See, e.g., 12 GHz NPRM, ¶¶ 2, 29 (noting the NPRM would “allow interested parties to address whether additional operations can be accommodated in the band while protecting incumbent operations from harmful interference” and to solicit comment “on the technical analyses submitted to date, as well as further information and studies related to the feasibility, costs, and benefits of sharing among these services”).

⁶ See, e.g., *Extension of Time to File Comments on the Use of Exclusive Contracts for the Provision of Video Services to Multiple Dwelling Units*, Public Notice, 22 FCC Rcd 10911 (MB 2007).

Sincerely,

/s/ Eric Graham

Eric Graham
Director, Government & Regulatory
Engagement, North America
ONEWEB
1785 Greensboro Station Place, Tower 3
McLean, VA 22102

/s/ David Goldman

David Goldman
Director of Satellite Policy
SPACE X HOLDINGS, LLC
1155 F Street, NW, Suite 475
Washington, DC 20004

/s/ Petra A. Vorwig

Petra A. Vorwig
Vice President, Legal & Regulatory Affairs
on behalf of SES S.A.
1129 20th Street NW, Suite 1000
Washington, DC 20036

/s/ Nick G. Spina

Nick G. Spina
Director of Regulatory Affairs
KEPLER COMMUNICATIONS
196 Spadina Avenue, Suite 401
Toronto, M5T 2C2
Canada

/s/ Susan H. Crandall

Susan H. Crandall
Associate General Counsel, Intelsat US LLC
on behalf of INTELSAT LICENSE LLC
7900 Tysons One Place
McLean, VA 22102