June 13, 2019

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

Re: WorldVu Satellites Limited, IBFS File No. SAT-LOI-20160428-00041; Space Exploration Holdings, LLC, IBFS File Nos. SAT-LOA-20161115-00118 and SAT-MOD-20181108-00083

Dear Ms. Dortch,

This letter addresses correspondence filed by WorldVu Satellites Limited ("OneWeb") and Kepler, with both claiming to be the first non-geostationary orbit ("NGSO") satellite system to be capable of operation in the Ku-band for purposes of the Commission’s spectrum sharing procedures in Section 25.261.¹ Both operators have missed a crucial element in the scope of the rule, and have incorrectly and prematurely asserted their status to the Commission.

Specifically, OneWeb sent a letter to the Commission on April 29, 2019, claiming that it was first to be capable of operating in the Ku-band for purposes of Section 25.261(c)(1), based on its February 27, 2019 launch date.² Kepler responded to this filing by correctly pointing out that Kepler was in fact the first to launch a Ku-band NGSO satellite on November 29, 2018, but drew the demonstrably incorrect conclusion that this launch date was sufficient to satisfy the requirements under Section 25.261.³

As SpaceX points out in its notice to the Commission of its own operation,⁴ Section 25.261(a) sets the scope of this rule and makes clear that it applies only to "NGSO FSS operation with earth stations with directional antennas anywhere in the world under a Commission license, or in the United States under a grant of U.S. market access".

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¹ See 47 C.F.R. § 25.261.
³ See Letter from Nickolas G. Spina to Marlene H. Dortch, IBFS File No. SAT-LOI-20160428-00041 (May 13, 2019).
⁴ See Letter from Patricia A. Cooper to Marlene H. Dortch, IBFS File Nos. SAT-LOA-20161115-00118 and SAT-MOD-20181108-00083 (June 12, 2019).
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(emphasis added). Both OneWeb and Kepler have launched and been granted U.S. market access. Yet based on searches of the Commission’s licensing database, it does not appear that either operator had Ku-band earth stations operating in the United States under a valid Commission license at the time they claimed they were capable of operation. Moreover, neither OneWeb nor Kepler addressed in their letters to the Commission whether they have communicated with Commission-licensed earth stations. In conformance with the Section 25.261(a), as SpaceX has noted to the Commission, its space stations have been in continuous communication with its own Ku-band gateways authorized by the Commission since their launch on May 23, 2019 and continue communications with those U.S. earth stations as individual space stations reach the operational orbital altitude. The Commission authorized SpaceX’s gateways on May 15, 2019.⁵

As such, SpaceX was the first NGSO operator in its processing round that was both launched and capable of operating in the Ku-band within the proper scope of the Commission’s spectrum sharing rules. Accordingly, SpaceX now has first choice of home spectrum during in-line events. We look forward to continuing coordination efforts with all other NGSOs in the Ku-/Ka-band processing round.

Sincerely,

[Signature]

Patricia Cooper  
Vice President, Satellite Government Affairs

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⁵ See, e.g., Stamp Grant, IBFS File No. SES-STA-20190410-00519 (granted May 15, 2019). Moreover, SpaceX was in fact the first NGSO operator to have launched it satellites and operate in Ku-band. SpaceX applied for and was granted on November 16, 2017, an experimental authorization for the launch and operation of two initial satellites (Microsat-2A and Microsat-2B) over the course of two years. See Call Sign W12XTA, File No. 0298-EX-CN-2016 (granted Nov. 16, 2017). SpaceX has been in continuous contact with these satellites using Ku-band frequencies since it launched them on February 22, 2018.