

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)	
SPACE EXPLORATION HOLDINGS, LLC)	Call Sign: S3069
Amendment to Pending Application for)	IBFS File Nos. SAT-LOA-20200526-00055 and
the SpaceX Gen2 NGSO Satellite System)	SAT-AMD-20210818-00105
)	

OPPOSITION TO REQUEST FOR EXTENSION OF COMMENT DEADLINE

Space Exploration Holdings, LLC (“SpaceX”) hereby opposes the request by Kuiper Systems LLC (“Amazon”) for an additional thirty days to file comments on an application that has been pending for many months.¹ Having failed in its attempt to derail SpaceX’s application with an unprecedented demand to prevent the Commission from even accepting comments on it,² Amazon now seeks to slow-roll the comment cycle to further impede Commission action. Amazon’s pivot to this delay tactic was not only sadly predictable, but actually predicted just four days ago by SpaceX.³ Having first claimed that evaluating two constellation configurations was too burdensome for it to manage, Amazon now makes the surprising claim that even a single configuration is too taxing for Amazon’s legion of lawyers and lobbyists. One wonders what proposal to serve Americans SpaceX could put forward that Amazon would feel able to handle in the standard comment cycle and the many months leading up to it.

¹ See Request for Extension of Comment Deadline, IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Jan. 10, 2022) (“Amazon Request”).

² See, e.g., Letter from Mariah Dodson Shuman to Marlene H. Dortch, IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Aug. 25, 2021) (“Amazon 8/25 Ex Parte”).

³ See Letter from William M. Wiltshire to Karl A. Kensinger, IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105, at 2 (Jan. 7, 2022).

Amazon’s strategy of obstruction runs directly contrary to Chairwoman Rosenworcel’s recent admonition that the Commission will “need to speed the processing of applications to keep pace with all the innovation headed our way.”⁴ Sharing the Chairwoman’s sense of urgency to deploy high-speed broadband to all Americans no matter where they live, SpaceX worked through the holidays to respond on time to the Commission’s request for information. In contrast, Amazon demonstrates once again that it will employ every procedural maneuver available to delay deployment of more broadband and slow competition to Amazon’s own dawdling pace.

The Commission’s rules specify that “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”⁵ As discussed below, Amazon presents no basis for an extension in this proceeding, let alone a doubling of the comment period. The Commission should see Amazon’s tactics for what they are, deny Amazon’s request, and proceed expeditiously to grant the application and unleash the next generation of satellite broadband service for the benefit of underserved and unserved Americans.

In support of its two-page extension request, Amazon makes three token arguments—though it fails to do much more than baldly assert them as sufficient to justify more time. First, it argues that this proceeding involves “complex and novel issues.”⁶ In denying another extension request, the Commission has previously observed that “proceedings often involve novel and important issues, yet granting an extension is not the norm.”⁷ In this case, SpaceX filed its original application in May 2020 and its minor amendment in August 2021. Had Amazon spent the many

⁴ Statement of Chairwoman Jessica Rosenworcel, *Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems*, FCC 21-123 (rel. Dec. 15, 2021).

⁵ 47 C.F.R. § 1.46(a).

⁶ Amazon Request at 1.

⁷ *Protecting the Privacy of Customer of Broadband and Other Telecommunications Services*, 31 FCC Rcd. 3943, ¶ 6 (2016).

months these applications have been available for review evaluating SpaceX's filings, rather than campaigning to delay the Commission, it would have had more than enough time to develop its comments fully and would have no need for an extension. Yet even with nineteen months to consider the original application and five months to consider the minor amendment, Amazon claims to need double the standard comment period to figure out what it wants to say—but never explains what it was doing during that period or why it could not have used it to prepare for the inevitable comment cycle. The Commission need not reward Amazon's apparent failure to use the past nineteen months appropriately or its current lassitude to further delay the American people's access to next-generation satellite broadband services.

Second, Amazon asserts that the Commission recently sought and received clarification on a number of issues related to the applications. Yet in most cases, SpaceX merely confirmed information already contained in those applications (e.g., with respect to deployment altitude, minimum elevation angles, and satellite in-orbit lifetimes) or provided additional information that bears on timing rather than the technical merits of the applications (e.g., launch plans). While Amazon cites these information requests, it makes no effort to explain how SpaceX's responses could be expected to affect an analysis of the applications such that more time would be required.⁸ Moreover, although Amazon has made abundantly clear over the previous five months that its primary concern was burdening its lawyers and lobbyists with having to oppose two slightly different configurations for SpaceX's constellation,⁹ Amazon completely glosses over the fact that

⁸ Amazon cites for support *Commission Staff Requests That Interested Parties Supplement the Record on Draft Interference Rules for Wireless Communications Service and Satellite Digital Audio Radio Service*, 25 FCC Rcd. 3642 (OET 2010), but that case involved a truncated two-week comment period which was extended by only one additional week—far short of the thirty days Amazon seeks on top of the existing thirty-day period.

⁹ *See, e.g.*, Amazon 8/25 Ex Parte at 2 (arguing that two 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 also announced in its response that it would no longer pursue one proposed configuration. Amazon now abandons its previous claimed concerns, and completely ignores that SpaceX's responses arguably cut Amazon's lobbyists' workload in half and thus undercuts any argument that an extension should be necessary.

Third, Amazon cites the fact that the comment period includes three federal holidays as justifying an extension. Yet Amazon then makes the extraordinary leap to ask for *ten* extra days of comment period for each day it took off for the holidays. If Amazon is entitled to any extension whatsoever, it would be only three days to account for the actual holidays at issue. Even the case Amazon cites here does not support the thirty-day extension it has sought. In that case, after noting “the support of many interested parties” and with no opposition, the Commission granted a fourteen-day extension in light of the Thanksgiving and Christmas holidays.¹⁰ Here, SpaceX opposes Amazon's request. Moreover, commenters in the case Amazon cites had only had one month between release of the notice of proposed rulemaking and establishment of the comment cycle¹¹—compared to the nineteen months Amazon has had to evaluate SpaceX's initial application and five months for the amendment before they were accepted for comment. While Amazon predictably would prefer to focus solely on the final month available for preparing its comments, the Commission should not ignore the extensive period available to Amazon for evaluation that preceded it.

The Commission's policy is that extensions of time shall not be routinely granted, and the International Bureau has rejected extension requests where “the high standard for extension of the

¹⁰ See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, DA 21-1395, ¶ 5 (WCB/CGB rel. Nov. 5, 2021) (“*Robocall Extension Order*”). See also *Amendment of Part 90 of the Commission's Rules*, DA 21-1628, ¶ 5 (PSHSB/WTB rel. Dec. 22, 2021) (granting fourteen-day extension in light of holidays, but denying request for thirty-day extension).

¹¹ See *Robocall Extension Order* ¶ 2 & n.2 (order released October 1; Federal Register notice issued October 26).

comment deadline has not been satisfied” because the movant failed to provide sufficient detail in support of its request.¹² In this case, Amazon’s arguments are not only unsupported, but insufficient even had Amazon tried to support them. SpaceX’s application has already been on file for more than a year and a half. The Commission should not allow Amazon to further delay consideration and thereby deny American consumers the benefits of a next-generation satellite broadband system.

Respectfully submitted,

SPACE EXPLORATION HOLDINGS, LLC

By: /s/ David Goldman
David Goldman
Director, Satellite Policy

William M. Wiltshire
Paul Caritj
HARRIS, WILTSHIRE & GRANNIS LLP
1919 M Street, N.W.
Suite 800
Washington, DC 20036
202-730-1300 tel
202-730-1301 fax

SPACE EXPLORATION TECHNOLOGIES CORP.
1155 F Street, NW
Suite 475
Washington, DC 20004
202-649-2700 tel
202-649-2701 fax

Counsel to SpaceX

January 11, 2022

¹² *Intelsat S.A.*, DA 21-1324, ¶ 5 (IB rel. Oct. 22, 2021).

CERTIFICATE OF SERVICE

I hereby certify that, on this 11th day of January, 2022, a copy of the foregoing pleading was served by first class U.S. mail upon:

C. Andrew Keisner
Kuiper Systems LLC
410 Terry Avenue N
Seattle, WA 98109

Jennifer D. Hindin
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

/s/ Hailey Stewart _____
Hailey Stewart