



# PUBLIC NOTICE

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## REQUEST FOR COMMENT ON PETITION FOR RULEMAKING BY SPACE EXPLORATION HOLDINGS, LLC, REGARDING REVISION OF THE COMMISSION'S 2 GHz MSS SHARING PLAN

RM-11976

**Comments Due: April 25, 2024**

**Reply Comments Due: May 10, 2024**

Pursuant to section 1.403 of the Commission's rules,<sup>1</sup> the Office of Managing Director, Reference Information Center of the Federal Communications Commission (Commission) seeks comment on a Petition for Rulemaking filed by Space Exploration Holdings, LLC (SpaceX),<sup>2</sup> requesting that the Commission revise its licensing and spectrum sharing framework for mobile-satellite service systems operating in the 2000-2020 MHz (Earth-to-space) and 2180-2200 MHz (space-to-Earth) bands.

After filing of the SpaceX Petition, EchoStar Corporation (EchoStar) submitted an Opposition to the Petition.<sup>3</sup> We have reviewed the EchoStar Opposition and conclude it fails to establish that the SpaceX Petition falls under any of the criteria set forth in section 1.401(e) of the Commission's rules that would warrant dismissal or denial.<sup>4</sup> Nonetheless, we will include the EchoStar Opposition in the record of Docket No. RM-11976 and consider EchoStar's arguments in determining appropriate next steps. EchoStar may additionally submit new comments in response to this Notice.<sup>5</sup>

Further, we remind the public that, to the extent any communications with Commission decision-making personnel regarding the SpaceX Petition go to the merits or outcome of any other proceeding, those communications should be disclosed in the related proceeding in accordance with the applicable *ex parte* rules.

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<sup>1</sup> 47 CFR § 1.403.

<sup>2</sup> SpaceX Petition for Rulemaking (filed Feb. 22, 2024) (SpaceX Petition), available at <https://www.fcc.gov/ecfs/document/1022285915062/1>.

<sup>3</sup> EchoStar Corporation Opposition to Petition to Rulemaking (filed Mar. 12, 2024) (EchoStar Opposition), available at <https://www.fcc.gov/ecfs/document/10312260615836/1>.

<sup>4</sup> 47 CFR § 1.401(e).

<sup>5</sup> We note that Kuiper Systems LLC filed a letter opposing SpaceX's related requests to implement a freeze on new mobile-satellite service applications, without taking any position on the substance of SpaceX's proposal to open these bands to new users. Letter from Michael Carlson, Senior Corporate Counsel, Kuiper Systems LLC, to Julie M. Kearney, Chief, Space Bureau, FCC (filed Mar. 8, 2024). SpaceX responded to the Kuiper letter. Letter from David Goldman, Vice President of Satellite Policy, SpaceX, to Marlene H. Dortch, Secretary, FCC (filed Mar. 12, 2024).

*Filing Requirements.* Interested parties may file comments on the Petition on or before the dates indicated on the first page of this document.<sup>6</sup> All filings must reference RM-11976. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>7</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- Paper Filers:
  - Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
  - Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Currently, the Commission does not accept any hand delivered or messenger delivered filings as a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. In the event that the Commission announces the lifting of COVID-19 restrictions, a filing window will be opened at the Commission's office located at 9050 Junction Drive, Annapolis Junction, Maryland 20701.<sup>8</sup>
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail may be addressed to 45 L Street, NE, Washington, DC 20554.
  - During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

*Ex Parte Requirements.* The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>9</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must

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<sup>6</sup> See 47 CFR §§ 1.1, 1.45, 1.49.

<sup>7</sup> *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

<sup>8</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

<sup>9</sup> 47 CFR §§ 1.1200 *et seq.*

be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*Accessible Materials.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

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