

COMMISSIONER SIMINGTON ADDRESSES THE NEW AMERICA FOUNDATION

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Thank you, Michael, for that kind introduction. It's my pleasure to speak here today about smart space rules. This could not be a more timely discussion considering how rapidly the commercial satellite service sector is expanding—particularly as we see much larger NGSO constellations come online. Indeed, the number of active satellites has quintupled the past ten years. We now add more satellites per year than existed just ten years ago.

In December of 2021, the FCC adopted a notice of proposed rulemaking that will let the FCC modify its satellite spectrum sharing rules to better address the realities of the blossoming NGSO market and to eliminate rules that may foster conflict among licensees. The item shows that the FCC refuses to hold back U.S. competition in the intrinsically global satellite marketplace. It ensures that outdated policies do not make the U.S. a second-class jurisdiction for incorporation or operations.

The FCC's proposal would provide targeted protection for licensees in earlier processing rounds, and give providers confidence to deploy new systems that can cost billions of dollars to build. Regulatory certainty is desperately needed by all broadband providers, whether fiber, mobile or satellite, to make investments of such magnitude. Regulators must never forget that projects can die on the vine, failing to clear financing hurdles, if needless regulatory uncertainty makes them artificially risky.

But while protecting licensees in earlier processing rounds, the FCC's proposal would also ensure, through adoption of its ten-year sunset provision, that licensees in later processing rounds have appropriate investment incentives in place. These sunset provisions, along with the adoption of smart service rules to encourage more *efficient* sharing of satellite spectrum, will pave the way for a much smoother and safer roll-out of the large constellations that are swiftly coming online. The more spectrally efficient NGSO systems are, the better they are able to coexist. Modern, efficient systems can use a variety of spectrum-optimizing strategies for operation, like application of an aggregate degraded throughput methodology or by deploying satellites with steerable beams. The record in the proceeding includes key information about available technologies for the FCC to study as it considers new rules.

And just last month, the FCC adopted a rule requiring non-geostationary satellite operators to deorbit satellites within five years after the completion of their missions. With today's blistering launch pace, the FCC had to rethink assumptions about operational cadences and lifetimes that seemed self-evident before. So now, we require both that every licensee – not just domestic licensees, but also foreign operators granted access to the United States market – promptly and responsibly dispose of satellites that have served their purpose. By getting out in front of the longevity issue, we hope that we'll protect the long-term interests of the most advanced, responsible operators by reducing random debris and maintaining confidence among the space sector's insurers and financiers. This Order marks what I hope is the dawn of a new regulatory approach to the space economy: rules that are tough, sensible, and performance-based. Rules that, I hope, will form the bedrock of a safe, sustainable, and innovative space economy.

The issues raised by large constellations are more urgent in the commercial sector—as many of you folks know because you are designing and building them and that’s what you are here to talk about today. The FCC has unique authority, as the *only* agency in the world with jurisdiction over such a broad range of commercial space activities, and that makes our work to update the FCC’s orbital debris and satellite spectrum sharing policies crucial. The United States represents roughly fifty percent of the international space economy—and can create a unitary set of clear and flexible rules for safe commercial space operation. The FCC can create incentives for other countries to adopt its rules, *and potentially internationally harmonize them*, by applying them to providers seeking access to the U.S. market. I hope it doesn’t sound too silly to call this “friendly unilateralism.” This is an opportunity to use American market power to advance and vindicate the national, public, and commercial interests of all users of space worldwide.

The United States has the most innovative, and largest, space economy in the world. It has a readymade mechanism, in the FCC, to promulgate rules for the entire international commercial space market, and it has compelling natural incentives for compliance. There is bipartisan support to act to lead on an issue that is at the forefront of everyone’s minds across industry and government. And, as we work on this issue, we want to make sure that our doors are open to all policymakers and everyone with a stake in the space economy. We can’t get it right without you, and we are excited to be your partners.