



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

February 6, 2024

The Honorable August Pfluger
U.S. House of Representatives
1124 Longworth House Office Building
Washington, DC 20515

Dear Representative Pfluger:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

The RDOF program featured a two-phase application process. This was laid out clearly in our program rules. The winning bidders from the first phase of the process, including Starlink, were required to share detailed technical and financial information with the Commission in order to assess the viability of their bid. In total, 379 carriers qualified in this second phase of the process, including 19 carriers using fixed wireless or satellite service.

All carriers were subject to the same rules—the smallest carriers and largest carriers alike. When our review of these carriers in the second phase of the process revealed deficiencies, we reached out and repeatedly sought further information in order to try and resolve remaining issues.

On the basis of this review, the Commission determined that Starlink and a dozen other winning bidders did not qualify for RDOF funding because they failed to meet program requirements. Among other things, our technical review demonstrated that Starlink had difficulty meeting the basic uplink and downlink speed standards for the program. Our finding has since been confirmed by the company's most recent publicly available performance data.

In addition, Starlink's proposal would have required every subscriber to purchase a \$600 dish to simply start to receive the service. No other services supported by the program included such high start-up costs on rural consumers.

Furthermore, our review indicated that in more than 6,501 census blocks where Starlink sought support from the RDOF program were not unserved rural households, but actually parking lots, traffic medians, and locations that already have service like the Chicago Loop and Newark International Airport. When we requested that Starlink no longer seek funding for these locations, the company refused.

Page 2 - The Honorable August Pfluger

Specific responses to the questions raised in your letter are detailed in the attached staff appendix. I hope you find this information helpful.

Sincerely,

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

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CHAIRWOMAN

February 6, 2024

The Honorable Gus Bilirakis
U.S. House of Representatives
2306 Rayburn House Office Building
Washington, DC 20515

Dear Representative Bilirakis:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF THE
CHAIRWOMAN

February 6, 2024

The Honorable Tim Walberg
U.S. House of Representatives
2266 Rayburn House Office Building
Washington, DC 20515

Dear Representative Walberg:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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FEDERAL COMMUNICATIONS COMMISSION
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February 6, 2024

The Honorable John Joyce
U.S. House of Representatives
152 Cannon House Office Building
Washington, DC 20515

Dear Representative Joyce:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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February 6, 2024

The Honorable Randy Weber
U.S. House of Representatives
107 Cannon House Office Building
Washington, DC 20515

Dear Representative Weber:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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February 6, 2024

The Honorable Troy Balderson
U.S. House of Representatives
2429 Rayburn House Office Building
Washington, DC 20515

Dear Representative Balderson:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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February 6, 2024

The Honorable Diana Harshbarger
U.S. House of Representatives
167 Cannon House Office Building
Washington, DC 20515

Dear Representative Harshbarger:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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February 6, 2024

The Honorable Kat Cammack
U.S. House of Representatives
2421 Rayburn House Office Building
Washington, DC 20515

Dear Representative Cammack:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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February 6, 2024

The Honorable Jay Obernolte
U.S. House of Representatives
1029 Longworth House Office Building
Washington, DC 20515

Dear Representative Obernolte:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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February 6, 2024

The Honorable Larry Bucshon
U.S. House of Representatives
2313 Rayburn House Office Building
Washington, DC 20515

Dear Representative Bucshon:

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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF THE
CHAIRWOMAN

February 6, 2024

The Honorable Bill Johnson
U.S. House of Representatives
2082 Rayburn House Office Building
Washington, DC 20515

Dear Representative Johnson:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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FEDERAL COMMUNICATIONS COMMISSION
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February 6, 2024

The Honorable Carol Miller
U.S. House of Representatives
465 Cannon House Office Building
Washington, DC 20515

Dear Representative Miller:

Thank you for your letter concerning the Federal Communications Commission's decision to deny Starlink's application for the Rural Digital Opportunity Fund (RDOF), a program designed to support broadband infrastructure in rural areas. It is absolutely essential that the funds in this program—which are paid for by consumers across the country—only support those entities that fully comply with our rules and the law.

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Appendix

Attached is information responsive to the questions contained in your letter.

Question 1: Milestone dates for RDOF recipients. Carriers authorized in 2021 must complete making service available to 40% of the estimated locations by the end of 2024, 60% of estimated locations by the end of 2025, 80% of estimated locations by the end of 2026, and 100% of estimated locations in winning bid areas by the end of 2027; carriers authorized in 2022 face the same service milestones by the end of 2025, 2026, 2027, and 2028, respectively.¹

Questions 2-3: Requirement to provide service. The Commission did not impose a requirement on Starlink, or any other long-form applicant, that it provide service years in advance of RDOF deployment milestone dates. Rather, Starlink's proposal to rely upon low earth orbit (LEO) satellite technology required the Commission to project whether the proposed technology could provide service that complied with the performance obligations of the RDOF program in the specific areas where it won support in the auction. As the Commission explained, "rather than a generalized assessment of whether a short-form applicant could provide the required service, at some level, in each state where it wished to bid, the long-form application review determined whether the applicant could provide that service associated with its winning bids, i.e., in each of the areas where it ultimately won support."² As explained in the Commission's Order, while Starlink asserted that it would be able to meet the RDOF requirements in 2025, Starlink "did not point to examples where its technology was providing service at the required level in the United States."³ Therefore, the Commission was compelled to make "technical and predictive judgments" as to whether Starlink would be "reasonably capable" of meeting its RDOF obligations.⁴ The Bureau and Commission ultimately concluded, "based on the information available at [the] time of [their] decision," Starlink was not "reasonably capable" of doing so.⁵

Questions 4-7: Use of speed test data. While the Commission initially found Starlink eligible to bid based on the short form application, like all other winning bidders, Starlink also had to demonstrate through the long-form application that it met the RDOF Program's technical, legal and financial requirements.⁶ Based on the information that Starlink provided, the Commission ultimately determined that Starlink did not satisfy the requirements for receiving support. Specifically, Starlink did not provide data adequate to show it was reasonably capable of fulfilling the RDOF program's requirements to deploy a network of the scope, scale and size required to serve the over 640,000 model locations in 35 states for which the company was the winning bidder. In reviewing Starlink's long-form application, the Commission relied on speed test data because Starlink did not demonstrate that its technology was currently providing service at the required level under our rules, and at the time of the review, there were no other similar networks offering widespread service at the required level. The Bureau and Commission also

¹ 47 CFR § 54.802(c)(1).

² *FCC Reaffirms Decision to Reject Starlink Application for Nearly \$900 Million in Subsidies*, Order on Review, FCC 23-105 at 7, para. 24 (Dec. 12, 2023) (*Starlink Order*) (cleaned up).

³ *Id.* at 9, para. 31.

⁴ *Id.* at 9, para. 30.

⁵ *Id.* at 9, para. 31.

⁶ *Id.* at 7, para. 22.

noted that the uncertain nature of Starlink’s new rocket, Starship, called into question Starlink’s ultimate ability to launch sufficient satellites to meet the RDOF performance obligations. To date, Starship has not successfully launched.

The data the Commission reviewed included network performance from locations Starlink was not awarded to serve under RDOF because those were the only areas Starlink served at the time. That data showed declining network performance that did not meet the RDOF speed standards.

Question 8: Use of updated speed test data. The Commission explained in its order denying Starlink’s application for review of the Bureau decision’s to deny the long-form application that the most recent third-party data showed a slight decline in Starlink’s performance with respect to “download speed, upload speed, and jitter test performance,” while the previously available third-party data showed a slight improvement.⁷ Based on a review of both data sets, the Commission determined that the data did not indicate that Starlink was currently meeting the RDOF speed thresholds of 100/20 Mbps, as it showed download speeds from 53-65 Mbps and upload speeds from 7-10 Mbps. As a result, the Commission concluded that Starlink would not be reasonably capable of meeting its performance obligations across the significantly larger customer base and service area it had committed to serving as a result of its winning RDOF bids, which would put even greater pressure on its network.

Question 9: Approval of other applications. Under the Commission’s two-phase application process, all winning bidders were required to submit a long-form application for review and a final determination of whether each winning bidder demonstrated that it could satisfy the requirements for the RDOF Program in the specific areas where it won support. Specifically, long-form applicants were required to file “more extensive information” than in their short-form applications in order to “[d]emonstrate to the Commission that they are legally, technically, and financially qualified to receive support.”⁸ As the Commission explained in 2020, “[b]efore a winning bidder could receive support, the bidder needed to submit a long-form application and letter of credit and obtain an ETC designation in the relevant areas. Commission staff evaluated the information submitted as part of the long-form application to determine whether an applicant was reasonably capable of meeting the relevant Rural Digital Opportunity Fund auction obligations in the specific areas where it has been selected as a winning bidder.”⁹

In addition, the Commission adopted a requirement that each applicant describe its technology and system design, noting that “[d]ue to the varying types of technologies that entities may use to fulfill their Rural Digital Opportunity Fund competitive bidding process obligations, we find that it is also reasonable to require each winning bidder to submit a

⁷ *Id.* at 9, paras. 30, 31 & n. 61.

⁸ *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 717, para. 68 (2020) (*Rural Digital Opportunity Fund Order*).

⁹ *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, 35 FCC Rcd 6077, 6147, para. 215 n.424 (2020) (*Auction 904 Procedures Public Notice*).

description of the technology and system design it intends to use to deliver voice and broadband service, including a network diagram, which must be certified by a professional engineer. The professional engineer must certify that the network is capable of delivering, to at least 95% percent of [Connect America Model] locations in each relevant state, voice and broadband service that meets the requisite performance requirements. There must be sufficient capacity to meet customer demand at or above the prescribed levels during peak usage periods. Entities proposing to use wireless technologies also must provide a description of their spectrum access in the areas for which they seek support and demonstrate that they have the required licenses to use that spectrum if applicable.”¹⁰

Based on the information winning bidders provided, the Commission conducted an in-depth review of timely submitted applications both for completeness and compliance with the Commission’s rules *and* to determine whether an applicant was financially and technically qualified for support.¹¹ Both determinations needed to be met before a long-form application was approved.

Each long-form application was independently reviewed on its own merits, and Commission staff evaluated a combination of financial capacity and technical specifications that was present in each application to determine whether a winning bidder would be reasonably capable of providing the required service in the specified area. In contrast with the higher-level showing required as part of the short-form application, the long-form application required more granular data about a provider’s ability to provide service in the specific area where the provider was awarded support.¹²

As the Commission noted, “[i]f a long-form applicant submits a technology and system design description that lacks sufficient detail to demonstrate that the long-form applicant has the technical qualifications to meet the relevant Rural Digital Opportunity Fund obligations, the long-form applicant will be asked to provide further details about its proposed network.”¹³ As the attached letter notes, Commission staff denied the applications of a dozen other long-form applicants in addition to Starlink because they failed to demonstrate that they could meet the RDOF program requirements.

When Commission staff reviewed Starlink’s long-form application, Starlink asserted that it would be able to meet the RDOF obligations in 2025, but “Starlink did not point to examples where its technology was providing service at the required level in the United States.”¹⁴ Accordingly, in reviewing Starlink’s long-form application, Commission staff were required to

¹⁰ *Rural Digital Opportunity Fund Order* at 726, para. 90.

¹¹ *Rural Digital Opportunity Fund Order* at 722, 725 paras. 79, 86 (noting that the long-form application process “will provide an in-depth extensive review of the winning bidders’ qualifications” and that long-form applicants are “required to submit extensive information detailing their respective qualifications in their long-form applications, allowing for a further in-depth review of their qualifications prior to authorization of support”).

¹² *Starlink Order* at 3-4, para. 6.

¹³ *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6168, para. 303.

¹⁴ *Starlink Order* at 9, para. 31.

make predictive judgments about Starlink’s eventual ability to meet its RDOF obligations. Because Starlink was using an untested technology at a higher speed and lower latency than other existing satellite providers, the evaluation of Starlink’s ability to meet its service obligation in the future required Commission staff to examine Starlink’s existing network and its current and future technical capacity. Analogous LEO networks could not be considered because “there were no other relevant LEO networks offering widespread service in the United States” when Commission staff made its determination.¹⁵ Commission staff appropriately took into account the totality of the circumstances, including the speed test data, scope of Starlink’s winning bids, and the failure to successfully launch Starship, and necessarily considered the additional difficulty that serving over 640,000 locations in 35 states would entail.¹⁶

Question 10: Plans for Starlink’s defaulted locations. Since the Commission conducted the RDOF auction in November 2020, Congress has appropriated tens of billions of dollars to support broadband deployment, culminating in the Bipartisan Infrastructure Law’s \$42.5 billion Broadband Equity, Access and Deployment (BEAD) program. Currently, the National Telecommunications and Information Administration is in the process of evaluating state proposals for BEAD program funding. Unserved areas, including areas for which deployment will not occur through RDOF due to default, will be eligible for funding through the BEAD program and other federal and state funding programs.

Starlink continues to make its service available to consumers, and nothing in the Commission’s decision on Starlink’s RDOF application prevents consumers from choosing Starlink if it meets their needs.

¹⁵ *Id.* at 9, para. 31.

¹⁶ *Id.* at 5, para. 13.