

WAIVER REQUESTS

In accordance with the Commission's rules, the Commission may waive its rules when it deems good cause is shown¹ including in cases where the public interest would be better served than would be the case under strict adherence to the general rule, and when the Commission's policy would be better implemented overall.² For the reasons set forth below, the Commission should grant a waiver, to the extent necessary, regarding various limitations in Schedule S and specific sections of Part 25.

1. Waiver of Processing Round Procedures

Pursuant to Sections 25.156 and 25.157 of the Commission's rules, the Commission ordinarily processes applications to launch and operate NGSO-like systems under a 'modified processing round' framework' in accordance with 25.156(d)(1), 25.157. The fundamental objective of the processing round is to safeguard against the unreasonable preclusion of subsequent entry by other satellite operators in the target frequency band,³ however consistent with this policy, the Commission waives the processing round framework when satisfied that the proposed operations

¹ 47 C.F.R. § 1.3. Also see *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969); *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

² *GE American Communications, Inc.*, 16 FCC Rcd. 11038, ¶ 9 (IB 2001) (quoting *WAIT Radio*, 418 F.2d at 1159).

³ See *Streamlining Licensing Procedures for Small Satellites, Notice of Proposed Rulemaking*, 33 FCC Rcd. 4152, ¶ 41 (2018) ("The Commission adopted this approach for NGSO-like satellite systems because of the possibility of otherwise unreasonably limiting additional market entry if licenses were granted on a first come, first-served basis."); see also *Amendment of the Commission's Space Station Licensing Rules and Policies*, First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 02-34, and First Report and Order in IB Docket No. 02-54, 18 FCC Rcd. 10760, ¶ 25 (2003); *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 7829, ¶ 61 (2017).

will not foreclose future use of the band.⁴ The Commission should do so here. Starcloud requests this waiver to facilitate limited communications.

Starcloud's Orbital Datacenter network is designed to rely primarily on optical links for communications, utilizing RF links strictly as a backup. Because the system's architecture prioritizes optical transport, Starcloud's demand for RF spectrum is inherently minimal, ensuring it will not preclude other operators from using the band. To the extent RF backup links are activated, Starcloud accepts authority on a non-interference, non-protection basis regarding co-primary NGSO systems. The system employs beam steering and a flexible network architecture to actively prevent interference during these rare instances of RF usage. This approach guarantees the protection of systems authorized in earlier processing rounds as well as those that may be licensed in future rounds. Consequently, granting this waiver is in the public interest and allows for expeditious processing without prejudice to other applicants.

The Starcloud Orbital Datacenter is poised to meet the critical demand in the U.S. AI computing power for consumers, enterprises, and government users. These are not speculative promises; Starcloud's has raised substantial funding to build out large scale production of the Starcloud satellite system, and \$13.1B of letters of interest from hyperscale cloud operators. The rapid development and launch of the Starcloud-1 mission, less than two years after the company was founded, demonstrates its ability to execute. Rapidly licensing Starcloud's limited use of the requested spectrum will unlock this revolutionary space platform, accelerating benefits for

⁴ See, e.g., *Iridium Constellation LLC*, Order and Authorization, 31 FCC Rcd. 8675, ¶ 41 (IB & OET 2016) ("Iridium") (waiving processing round requirements for an NGSO system because access will not preclude additional entry); *O3b Limited*, Public Notice, 30 FCC Rcd. 6115 (IB 2015); *Space Imaging, LLC*, Declaratory Order and Order and Authorization, 20 FCC Rcd. 11964, ¶ 10 (IB 2005) (same); *Lockheed Martin Corporation*, Order and Authorization, 20 FCC Rcd. 11023, ¶ 15 (IB 2005) (same).

humanity. Approving this request is consistent with the Commission’s recent efforts to minimize barriers for innovative services, particularly those that voluntarily accept a non-interference, non-protected status.⁵ Authorizing Starcloud’s limited backup RF operations on a non-interference, non-protected basis will accelerate the deployment of these cutting-edge space services. Moreover, as detailed below, granting this authority aligns squarely with the Commission’s recent proposals to modernize financial bonding requirements and build-out milestones.⁶ Compelling Starcloud to await the conclusion of a processing round would serve no regulatory purpose while imposing significant costs. The impact of such extended timelines is substantial, draining resources and stalling deployment without providing any corresponding benefit to the public or other operators.

2. Waiver of Sections Surety Bond and Milestone Requirements

The Commission established its milestone and bond requirements to prevent warehousing and 'strike an appropriate balance between providing flexibility for the licensee and a measure of certainty for other operators.'⁷ Specifically, Section 25.164 sets a six-year deadline for 50% deployment and a nine-year deadline for 100% deployment. Concurrently, Section 25.165 enforces these obligations through an escalating surety bond capping at \$5 million. By contrast, the Commission recently observed that there is “little benefit to adding the cost of a bond to systems for which no particular priority is provided and for which there is likely to be no material

⁵ See, e.g., *Space Modernization for the 21st Century*, FCC 25-69, ¶ 3 (rel. Oct. 29, 2025) (“By modernizing processes in our rules, we aim to set the stage for increasing automation over time. In this way, we expect— like actual assembly lines—that the space review processes can become more efficient and dramatically accelerated while improving the quality of the Commission’s licensing work for the American people.”).

⁶ See *id.* ¶ 177

⁷ *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 7809, 7829 ¶ 67 (2017).

preclusion of other systems in terms of resources.”⁸ The Commission also recently proposed to exempt space stations that are not subject to the Commission’s processing round procedures from financial bonding requirements and buildout milestones.⁹ Because Starcloud’s use of the Ka-band is restricted to limited backup communications on a non-interference basis, the policy concerns underlying these rules are not implicated. There is no risk of warehousing, as Starcloud will neither cause interference nor claim protection from other systems, meaning it cannot materially preclude future entry. Furthermore, by seeking a license outside of a processing round, Starcloud explicitly disclaims any priority status. Consequently, rigidly applying milestone and surety bond requirements serves no public interest where, as here, RF spectrum is utilized solely for ancillary, non-interference backup purposes.

3. Waiver of Section Limitations in Schedule S

Starcloud submits the attached Schedule S in compliance with 47 C.F.R. § 25.114(a)(1). However, strictly adhering to the Schedule S format prevents an entirely accurate description of the proposed system due to specific software limitations. Consequently, Starcloud requests a waiver of these formatting requirements where the form cannot accommodate the system’s technical design. First, a limitation in the Schedule S software prevents the entry of uplink and downlink beam channels. Starcloud clarifies that these beams are bounded 5 MHz channels with variable bandwidths. Secondly, given the diversity of Starcloud’s orbital planes and the range of antenna gains employed, documenting every conceivable parameter combination would result in an unmanageably large dataset. Accordingly, in lieu of providing an exhaustive list of

⁸ Space Modernization NPRM ¶¶ 176–77.

⁹ See id. ¶ 177.

configurations for every altitude, Starcloud provides below technical data for a set of representative orbital planes that accurately characterize the system's performance envelope. The transmit beam associated with two orbits which envelope the constellation's operational altitude range are provided below:

Beam ID	Altitude (km)
TX1	600
TX2	850