

WAIVER REQUESTS

Pursuant to Section 1.3 of the Commission’s rules, the Commission may waive its rules for good cause shown.¹ “Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule,” including “more effective implementation of overall policy.”² In determining whether waiver is appropriate, the Commission should “take into account considerations of hardship, equity, or more effective implementation of overall policy.”³ As shown below, there is good cause for the Commission to grant a waiver, to the extent necessary, to various limitations in the Commission’s Schedule S, and to certain sections of Part 25 of the Commission’s rules.

1. Waiver of Sections 25.156(d) and 25.157: Processing Round Procedures

Under Section 25.156 and 25.157 of the Commission’s rules, applications for authority to launch and operate an NGSO-like system are ordinarily processed under a “modified processing round” framework.⁴ The primary purpose of the processing round procedure is to prevent one applicant from unreasonably precluding additional entry by other satellite operators in the requested frequency band.⁵ The Commission, however, has waived the processing round

¹ 47 C.F.R. § 1.3. *See also* *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 *WAIT Radio*, 418 F.2d at 1159.

⁴ *See id.* §§ 25.156(d)(1), 25.157.

⁵ *See Streamlining Licensing Procedures for Small Satellites*, Notice of Proposed Rulemaking, 33 FCC Rcd. 4152, ¶ 41 (2018) (“The Commission adopted this [processing round] 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).

requirement and allowed NGSO systems access to the frequency band when doing so will not preclude additional entry.⁶ The Commission should do so here.

Specifically, SpaceX requests waiver of the processing round rules with respect to its limited use of the NGSO-primary portion of the Ka-band for communications with previously authorized SpaceX earth stations. SpaceX seeks authority to operate on a non-interference, non-protection basis with respect to co-primary NGSO systems in the United States, and consequently could not preclude other operators that want to use the band. SpaceX's Orbital Data Center system will have the ability to reroute beams and traffic to prevent interference to other operators through the combination of beam steering, optical links, and a uniquely flexible on-orbit network architecture. SpaceX will use these capabilities to protect each system authorized in an earlier processing round and those that may be licensed in the next processing round the Commission may initiate in NGSO-primary bands. Therefore, the Commission can expeditiously process this application now without prejudice to any other applicant that may seek to operate in these bands.

Waiving the processing round requirements is in the public interest. The SpaceX Orbital Data Center system will allow SpaceX to begin delivering much-needed energy efficient AI compute for consumers, enterprises, and government users around the world. SpaceX's demonstrated commitment to launching new NGSO satellite services at an accelerated cadence—including to deliver supplemental coverage from space—makes these benefits foreseeable rather than speculative, promising the realization of a satellite system that powers robust and innovative AI services. In short, the sooner the SpaceX Orbital Data Center system is licensed for its limited

⁶ 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); *Northrop Grumman* ¶¶ 23-34; *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).

use of the requested spectrum, the sooner this spectrum can support a revolutionary space platform that will benefit humanity. The Commission is already undertaking steps to minimize delays to innovative services that will benefit Americans, and especially those operating on a non-interference, non-protected basis.⁷ Granting SpaceX’s limited backup operations for its proposed system on a non-interference, non-protected basis will enable faster deployment of cutting-edge space-based services and, as detailed below, is aligned with the Commission’s recent proposals to reform the Commission’s financial bonding requirements and build-out milestones.⁸ Requiring SpaceX to wait for the outcome of a processing round would significantly delay these benefits, imposing costly regulatory delays with no offsetting benefit.

2. Waiver of Sections 25.164 and 25.165: Surety Bond and Milestone Requirements

Under sections 25.164 of the Commission’s rules, an NGSO licensee must deploy 50% of its licensed system within six years of licensing and fully deploy 100% of its system within nine years of licensing. Section 25.165 secures a licensee’s compliance with the interim bond requirement by requiring most licensees to post a surety bond that escalates from one to five million dollars.

The Commission originally adopted these requirements to address the risk of warehousing and to “strike an appropriate balance between providing flexibility for the licensee and a measure of certainty for other operators.”⁹ 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

⁷ 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.”).

⁸ See *id.* ¶ 177.

⁹ *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).

and for which there is likely to be no material preclusion of other systems in terms of resources.”¹⁰ Furthermore, the Commission recently proposed to exempt space stations that are not subject to the Commission’s processing round procedures from financial bonding requirements and build-out milestones.¹¹

Because the SpaceX Orbital Data Center system will use its Ka-band communications systems only for limited backup communications on a non-interference basis, it does not implicate any of these concerns. There is no risk of warehousing because SpaceX will neither cause interference to nor claim interference protection from other satellite systems. For the same reasons, it will not materially preclude future systems. Likewise, and because SpaceX proposes to license this system outside of a processing round, SpaceX does not intend to claim any form of priority status. Thus, there is no public interest benefit to rigid application of the milestone and surety bond requirements where, as here, radiofrequency communications will be used only for limited backup purposes and these limited communications occur only on a non-interference basis.

3. Waiver of Section 25.114(a)(1): Limitations in Schedule S

As required by the Commission’s rules,¹² SpaceX submitted with this application a completed Schedule S, which contains certain technical information in a prescribed form. However, SpaceX found that it cannot accurately describe its system in certain respects due to limitations in Schedule S itself. Below SpaceX discusses aspects of this amendment that fall into this category as well as how the Schedule S was completed under these limitations. To the extent

¹⁰ Space Modernization NPRM ¶¶ 176–77.

¹¹ *See id.* ¶ 177.

¹² *See* 47 C.F.R. § 25.114(a)(1).

necessary, SpaceX requests that the Commission waive these aspects of the Schedule S filing requirement in light of these limitations.

First, SpaceX satellites are capable of operating with variable channel bandwidths and center frequencies within their licensed beams, as discussed in the Technical Attachment. However, Schedule S allows entry of only a single static channel plan. SpaceX has, therefore, provided a single channel for each beam. However, these channels may be dynamically adjusted as dictated by operational requirements, including avoiding interference to other users where appropriate.

Second, due to an apparent error in the electronic Schedule S, it is not possible to provide channels for uplink beams in this application. However, the channel plan for these beams is analogous to the downlink channel plan described above, and in the Technical Attachment: SpaceX will bond individual 5 MHz channels, varying the total bandwidth and center frequency as operational requirements dictate.

Third, while Schedule S allows certain beams to be identified as ‘command beams’ it does not provide a mechanism to indicate that a given beam may be used for both command and non-command traffic. Thus, in an abundance of caution, SpaceX clarifies that all beams identified as command beams on Schedule S may also be used for other forms of backup communication.

Fourth, SpaceX has provided separate downlink beam information for satellites operating at a set of representative altitudes. However, Schedule S does not provide a means of associating a given beam with a particular orbit. SpaceX provides this mapping below:

Beam ID	Altitude (km)
TX1 TX2 TX7 TX8	500
TX3, TX4, TX9, TX10	1000
TX5, TX6, TX11, TX12	2000

Fifth, SpaceX intends to operate in many different orbital planes with a range of antenna gains, resulting in a large number of possible combinations of parameters. Rather than provide information for all possible configurations at all altitudes, SpaceX has provided information for satellites in a set of representative planes.