



December 12, 2023

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

Re: *In re Long Form Application of Starlink Services, LLC, File No. 0009395128; Rural Digital Opportunity Fund (Auction 904), WC Docket No. 19-126, AU Docket No. 20-34; Petition of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier, WC Docket No. 09-197*

Dear Ms. Dortch:

SpaceX¹ is deeply disappointed and perplexed by the Commission’s decision to exclude SpaceX’s Starlink satellite broadband service from the Rural Digital Opportunity Fund (“RDOF”). This decision directly undermines the very goal of RDOF: to connect unserved and underserved Americans. Starlink is demonstrably one of the best options—likely *the* best option—to accomplish the goals of RDOF. Indeed, Starlink is arguably the only viable option to *immediately* connect many of the Americans who live and work in the rural and remote areas of the country where high-speed, low-latency internet has been unreliable, unaffordable, or completely unavailable, the very people RDOF was supposed to connect.

The errors leading to this indefensible decision originated with the Wireline Competition Bureau. To pass the Bureau’s review of SpaceX’s short-form application, Starlink had to overcome the skepticism the Commission initially expressed about allowing new space-based technologies into the program. It did overcome that skepticism, and the Bureau determined on October 13, 2020, that SpaceX was qualified to bid in the RDOF auction. SpaceX participated in the auction and successfully bid on 642,925 locations in 35 states. Following the auction, SpaceX dedicated significant engineering and other resources toward meeting its obligations, submitted its long-form application in compliance with program rules, responded to multiple rounds of intensive questions from the staff, and explained in great detail how it would connect the locations it successfully bid to serve.

Nonetheless, on August 10, 2022, the Wireline Competition Bureau rejected SpaceX’s long-form application, even though the only changes from the short-form review were that SpaceX had lived up to its commitments and that the Commission shifted its policy priorities with the change of Administration. As it still does now, SpaceX vehemently disagreed with that decision and on September 9, 2022, it filed with the Commission an Application for Review that pointed out the numerous errors underlying the decision. But today, the Commission—in a 3-2 party-line vote—

¹ “SpaceX” refers collectively to Space Exploration Technologies Corp. and its wholly owned subsidiary, Starlink Services, LLC.

denied SpaceX's Application for Review, adopting many of the same critical errors that infected the Bureau's poorly reasoned decision in August 2022.

For instance, the Bureau's decision arbitrarily penalized SpaceX—and only SpaceX—for not meeting RDOF speed requirements years before SpaceX had any obligation to do so. The arbitrariness of applying this unstated standard exclusively to SpaceX was only compounded by the Bureau's reliance on Ookla nationwide speed tests without any notice that it planned to use such tests and even though those nationwide averages included areas that would not be served by RDOF. Even so, Starlink likely recorded the fastest speeds of any operator in the locations eligible for RDOF funds, which helped Ookla—the third party to whom the Bureau apparently delegated speed tests—to conclude, “Starlink users in metro and nonmetro areas *love* Starlink, fixed broadband users dislike their internet service providers.”² Starlink has also deployed its service in advance of all RDOF deployment milestones and well ahead of most, if not all, RDOF awardees. Even so, the Commission's order now defends, and relies on, the Bureau's arbitrary imposition on SpaceX alone of RDOF speed requirements—based on unstated tests not suited to measure speeds in RDOF territories—years before they were required.

The impacts of holding SpaceX to arbitrary standards not applied to other potential RDOF service providers have become clear, especially as many of the Commission-approved RDOF “winners” who were not held to these arbitrary standards are now saying they cannot meet their RDOF obligations and are asking the Commission for more money, more time, and even exceptions to consumer safeguards. Conversely, SpaceX already has the ability to provide service to its RDOF locations at RDOF-required speeds, years before it would have been required to do so. SpaceX is not aware of a single accepted RDOF participant that can make this claim.

Further, as this situation illustrates, the Bureau's original decision, and the Commission's upholding that decision today, ignored SpaceX's proven ability to quickly expand and upgrade its network in all areas, while crediting other providers that had substantially lesser track records of expanding their networks, especially into rural areas. Even as of August 2022, when the Bureau rejected SpaceX's long-form application, SpaceX had built an unmatched global broadband network—including some 3,000 satellites on orbit—providing unprecedented speeds to customers across America. And it was rapidly growing this network with more—and better—satellites and ground infrastructure. To wit, just sixteen months later, SpaceX has grown the constellation to include more than 5,000 satellites on orbit, along with a comprehensive ground infrastructure to support it. And even as it is deploying unprecedented numbers of satellites, the satellites are rapidly improving. In fact, in the time SpaceX's Application for Review was pending, the Commission approved SpaceX's latest generation of satellites, which have four times the capacity of the previous generation, capable of being launched on SpaceX's Falcon 9 rocket—the most reliable rocket in the world today.

Enabled by this growth, Starlink now has more than 2.2 million customers around the world—of which more than 1.3 million are in the United States—and is producing and selling tens of thousands of user terminals each week. This growth is not slowing. As the Commission has seen,

² Josh Fomon, *New Speedtest Data Shows Starlink Users Love Their Provider*, Ookla.com (May 8, 2023), <https://www.ookla.com/articles/starlink-hughesnet-viasat-performance-q1-2023> (emphasis in the original).

with an ever-increasing launch cadence—to reach up to 100 launches this year—SpaceX will only continue to rapidly deploy additional capacity into its network—in the form of more satellites and better satellites—which will in turn provide faster broadband connectivity for our customers across the world, including in every corner of the United States, years ahead of any RDOF deployment milestones.

Starlink can now provide service to more people in more U.S. locations than any other satellite internet service provider. This year alone, Starlink has nearly doubled the number of Americans on the network, adding customers in all 50 states including the northernmost regions of Alaska. Critically, Starlink can already provide high-speed, low-latency service in otherwise unserved locations within days of a customer placing an order, an outcome that no other RDOF winner can come close to matching. From tribal communities, to students, to health clinics in rural or remote communities, the use cases are evident. In sum, it should have been clear to the Bureau in August 2022, and even more clear to the Commission today, that Starlink is capable of reaching the Commission’s stated goal of ensuring that people in every corner of the country have an option for high-speed, low-latency broadband.

It is unfortunate that the majority’s Order today repeats the mistakes made by the Bureau last year, continuing to overlook the facts in the record. Worse, the Order ignores the developments over the past year that confirmed the representations SpaceX made in its application and proved the Bureau’s predictions wrong. But most concerning, the Order fails to explain how the Commission will bridge the connectivity gap that the Order leaves open by excluding the one provider that can rapidly accomplish this goal, while approving RDOF “winners” that have already acknowledged they will not be able to do so. Put simply, if the Commission’s top priority—which is shared by SpaceX—is to connect all Americans anywhere in the U.S., the Commission’s decision today runs directly counter to that goal.

Nonetheless, SpaceX will not let the Bureau’s and Commission’s erroneous decisions diminish its commitment to bringing high-speed, low-latency broadband service to Americans no matter where they live, work, or go to school, and SpaceX continues to stand ready to work collaboratively with the Bureau and the Commission to achieve this critically important national goal.

Sincerely,



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