

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

In the Matter of the Petition of)
Starlink Services, LLC for Designation) WC Docket No. 09-197
as an Eligible Telecommunications Carrier)
)

**PETITION OF STARLINK SERVICES, LLC FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

EXECUTIVE SUMMARY

Starlink Services, LLC (“Starlink Services”) respectfully submits this petition to the Federal Communications Commission (the “Commission”) for designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended, and Section 54.202 of the Commission’s rules. The ETC designation is needed in all census blocks that will be served by Starlink Services (the “Service Areas”) pursuant to the Rural Digital Opportunities Fund (“RDOF”) within Alabama, Connecticut, New Hampshire, New York, Tennessee, Virginia and West Virginia (collectively, the “FCC Jurisdiction States”).

The Commission has authority to grant the requested ETC designation because the relevant regulatory agency in each of the FCC Jurisdiction States has disclaimed jurisdiction over designation Starlink Services as an ETC, as evidenced in the letters and orders attached hereto. Additional states may disclaim jurisdiction, and Starlink Services will update this petition accordingly for ETC designation in those states.

As described more fully below, Starlink Services satisfies all federal requirements for ETC designation in the Service Areas. Designating Starlink Services as an ETC is in the public interest because it will enable the company to receive support that will facilitate rapid deployment of broadband and voice service to the Service Areas at speeds and latency comparable to terrestrial systems in urban locations. Starlink Services respectfully requests that the Commission grant this petition by June 7, 2021 in order for Starlink Services to meet the Commission’s deadline for ETC designation for the purposes of receiving RDOF support.

CONTENTS

- I. THE COMMISSION HAS AUTHORITY TO GRANT THE ETC DESIGNATIONS REQUESTED.2
- II. BACKGROUND ON SPACEX AND STARLINK SERVICES.2
- III. SPACEX’S PARTICIPATION IN THE RURAL DIGITAL OPPORTUNITY FUND AND ASSIGNMENT OF WINNING BIDS TO STARLINK SERVICES.4
- IV. STARLINK SERVICES AND SPACEX NETWORK ARCHITECTURE.5
- V. STARLINK SERVICES MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION.....8
 - a. Starlink Services’ ETC Service Areas.....9
 - b. Starlink Services Meets All State and Federal Requirements for ETC Designation.9
 - i. Starlink Services Will Offer Supported Services, on a Common Carrier Basis, Throughout the Proposed Service Areas.....9
 - ii. Starlink Services Will Offer Supported Services Using Its Own Facilities.....9
 - iii. Starlink Services Will Offer Voice Telephony Service.9
 - iv. Starlink Services Will Offer Broadband Internet Access Services.12
 - v. Starlink Services Will Provide Lifeline to Qualified Low-Income Consumers.....13
 - vi. Starlink Services Will Advertise the Availability of Supported Services.13
 - vii. Starlink Services Will Comply with the Service and Performance Requirements Applicable to the Support It Receives.13
 - viii. Starlink Services Will Remain Functional in Emergency Situations.....13
 - ix. Starlink Services Is Not Subject to a Denial of Federal Benefits under the Anti-Drug Abuse Act of 1988.14
- VI. DESIGNATING STARLINK SERVICES AS AN ETC IS IN THE PUBLIC INTEREST.....14
- VII. CONCLUSION.....16
- VIII. NOTICES.....16

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Starlink Services, LLC (“Starlink Services”) respectfully submits this petition to the Federal Communications Commission (the “FCC” or “Commission”) for designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(6)¹ of the Communications Act of 1934, as amended, and Section 54.202² of the Commission’s rules. This ETC designation is sought in all census blocks in Alabama, Connecticut, New Hampshire, New York, Tennessee, Virginia and West Virginia (collectively, the “FCC Jurisdiction States”) in which Space Exploration Technologies Corp. (“SpaceX”) was announced as a winning bidder in the Rural Digital Opportunity Fund (“RDOF”) auction (such census blocks, collectively, the “Service Areas”).³ As described below, there are additional states that may disclaim jurisdiction, and Starlink Services will update this petition accordingly for ETC designation in those states.

Except for the FCC Jurisdiction States, Starlink Services has filed an application for ETC designation in each of the other states in which SpaceX was the winning RDOF bidder.⁴ Pursuant to discussions with staff at the relevant state regulatory agencies, Starlink Services understands that two additional states — Florida and Maryland — may disclaim jurisdiction over

¹ 47 U.S.C. § 214(e)(6).

² 47 C.F.R. § 54.202.

³ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, DA 20-1422 (Dec. 7, 2020) (“*RDOF Winning Bidder PN*”).

⁴ On December 22, 2020, SpaceX assigned its winning bids to Starlink Services, its newly-formed, wholly-owned subsidiary.

designating Starlink Services as an ETC.⁵ The regulatory staffs in these states have advised Starlink Services to file a full ETC application at the state-level in order for the state agency to evaluate whether it will claim jurisdiction. To the extent Florida, Maryland or other states disclaim jurisdiction, Starlink Services will amend this petition to request ETC designation from the FCC in these states.

I. THE COMMISSION HAS AUTHORITY TO GRANT THE ETC DESIGNATIONS REQUESTED.

Pursuant to Section 214(e)(6), the Commission may designate an ETC where the applicant “is not subject to the jurisdiction of a State commission.”⁶ As demonstrated in the attached exhibits, the relevant regulatory agencies in the FCC Jurisdiction States have issued letters or orders disclaiming jurisdiction over designating Starlink Services as an ETC.⁷ Starlink Services requests that the Commission exercise its Section 214(e)(6) authority to designate Starlink Services an ETC in the Service Areas of the FCC Jurisdiction States.

II. BACKGROUND ON SPACEX AND STARLINK SERVICES.

Founded and created by SpaceX, Starlink Services will offer the world’s first high-speed, low-latency satellite internet service, coordinating the world’s largest fleet of operating satellites to deliver consistent service to the world’s most disconnected areas, including those in the United States. As the Commission knows, SpaceX assigned its winning RDOF bids to Starlink Services, its wholly-owned subsidiary, on December 22, 2020. An intercompany agreement

⁵ Additional states in which Starlink Services has applied for ETC designation may also disclaim jurisdiction.

⁶ See 47 U.S.C. § 214(e)(6).

⁷ See Exhibits 1-7.

provides Starlink Services, LLC with access to all space and terrestrial assets and infrastructure needed from SpaceX to deploy and operate the Starlink service.

SpaceX is the world's first high-speed, low-latency satellite internet provider, coordinating the largest fleet of operating satellites to deliver consistent service to the most disconnected areas. The Starlink network has the demonstrated capability to meet Starlink Services public interest obligations to provide Above Baseline, Low-Latency performance broadband to the unserved areas in each state for which it was assigned winning bids in the RDOF auction.

The Commission authorized SpaceX in 2018 to deploy and operate a revolutionary constellation of more than 4,400 satellites in low Earth orbit ("LEO"). The Commission based its decision to authorize SpaceX on its ability "to bring high-speed, reliable, and affordable broadband service to consumers in the United States and around the world, including areas underserved or currently unserved by existing networks."⁸

With Starlink, SpaceX brought to bear its successful history of design innovation, manufacturing capability, and operationalizing complex space and ground systems. In just two years following its authorization, SpaceX established a robust, U.S.-based manufacturing capability for Starlink satellites, customer premises equipment (user terminals or "CPE") and ground station antennas. The result is the creation of a comprehensive ground network that currently communicates with over 1,000 Starlink satellites in orbit, enabling SpaceX to commence beta service with thousands of users located across multiple states. Starlink's

⁸ *In re Space Exploration Holdings, LLC Application for Approval of Orbital Deployment and Operating Authority for the SpaceX NGSO Satellite System*, Memorandum Opinion, Order and Authorization, 33 FCC Rcd 3391, para. 1 (2018).

technical maturity and inherent capacity to support high-throughput, low-latency broadband service to unserved or underserved communities in even the most remote and rural areas of the United States promises to materially contribute to the Commission’s goal of closing the digital divide.

Starlink’s performance is not theoretical or experimental. Over 10,000 users in the United States and abroad are using the service today. While its performance is rapidly accelerating in real time as part of its public beta program, the Starlink network has already successfully demonstrated it can surpass the Commission’s “Above Baseline” and “Low Latency” performance tiers, including:

- Meeting and exceeding 100/20 megabits per second (“Mbps”) throughput to individual users.
- Demonstrating performance of 95% of network round-trip latency measurements at or below 31 milliseconds.
- Successfully testing standalone voice service over the Starlink network.

Starlink continues to improve as SpaceX deploys additional infrastructure and capability, averaging two Starlink launches per month, to add significant on-orbit capacity alongside activation of additional gateways to improve performance and expand service coverage areas across the country.

III. SPACEX’S PARTICIPATION IN THE RURAL DIGITAL OPPORTUNITY FUND AND ASSIGNMENT OF WINNING BIDS TO STARLINK SERVICES.

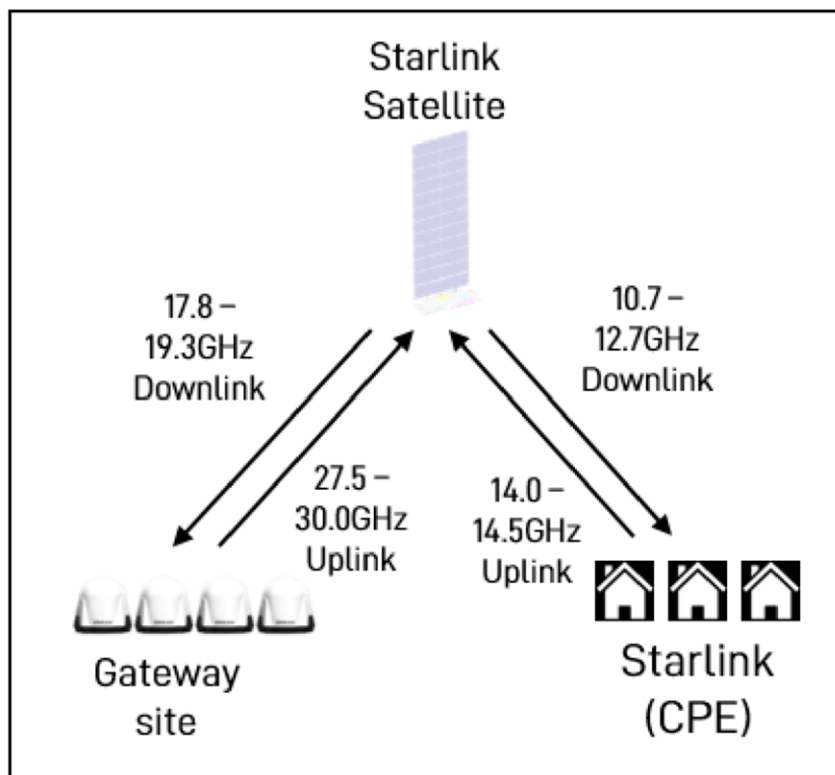
On January 30, 2020, the FCC established RDOF to ensure continued and rapid deployment of broadband networks to underserved Americans. The Phase 1 auction concluded on November 25, 2020, and awarded a total of \$9.23 billion in support over 10 years. SpaceX

was awarded \$885 million of this support to provide broadband and standalone voice services in 35 states.⁹ On December 22, pursuant to the processes established by the FCC, SpaceX assigned its winning bids to Starlink Services, a newly-formed and wholly-owned subsidiary of SpaceX.

IV. STARLINK SERVICES AND SPACEX NETWORK ARCHITECTURE.

The Starlink network has two primary components: the space segment and the ground network.

Figure 1 - Starlink Network Architecture



Space Segment

As noted above, SpaceX maintains a rapid launch cadence by reusing the first stages of the Falcon 9, which is designed to be flown at least 10 times and can be refurbished for re-flight

⁹ See RDOF Winning Bidder PN.

in less than two months. By designing satellites to be stacked and utilizing an innovative deployment approach, SpaceX is able to launch 60 Starlink satellites at a time, with launch approximately every two weeks. Thus, SpaceX can cost-effectively launch the Starlink constellation. This launch cadence has resulted in the most visible milestone of SpaceX's network maturity: more than 1,000 satellites in orbit, surpassing the size necessary to provide uninterrupted coverage to much of the United States.

Starlink delivers service to users by coordinating the delivery of thousands of radio-frequency ("RF") beams across the satellite fleet to dynamically allocate connections between the satellites in space and users on the ground. Operating satellites 65 times closer to the earth than geostationary satellites has allowed the first generation of SpaceX's satellites to generate these ultra-small spot size beams, which deliver higher speed and lower latency.

Ground Network

Gateways. The satellite constellation will communicate with an equally extensive ground network. SpaceX has already deployed an initial ground network consisting of dozens of gateways connected to fiber across the country. The licensed and planned gateways will be strategically located to optimize service to consumers anywhere in the United States.

Each satellite currently has two Ka- band parabolic antennas that form connections back to the internet backbone. These antennas connect to ground station sites deployed across the country that directly connect via fiber to SpaceX's Points of Presence.

Starlink Kits. SpaceX also provides customers with their own phased-array terminal to be deployed at their service location to connect directly to the satellite's Ku- band RF beam

assigned to the user's service area. Because the Starlink satellites are constantly moving, the network plans these connections on 15 second intervals, continuously re-generating and publishing a schedule of connections to the satellite fleet and handing off connections between satellites.

Critically, the network can leverage these hand-offs to optimize its ability to meet customer needs, delivering high-speed (>100Mbps) and low-latency (<30 ms), even when working around spectrum sharing constraints from other satellite operators. To accomplish these frequent hand-offs, Starlink uses advanced phased-array technology for both the satellite and the customer Starlink kit, which allows for nearly instantaneous hand-offs between different satellites with no mechanical transitions. Phased-array technologies encourage efficient spectrum sharing by allowing both the satellite and user antennas to adjust the direction where they steer their RF beams purely by adjusting the signal of individual antenna elements that make up the combined phased-array.

Both the user terminal and the satellite phased-array are made up of hundreds of antenna elements, controlled by proprietary digital beamforming chips that SpaceX has designed for dynamic hand-offs. The ability to control hand-offs in software with millisecond precision allows SpaceX to turn the constant motion of the constellation into a key advantage for the Starlink network. These micro-adjustments enhance Starlink's reliability and enables more efficient management of capacity in real time.

The Commission has certified all Starlink CPE, comprised of a user terminal, power supply and Wi-Fi router, for residential use, meaning Starlink Services has all authorizations necessary to offer consumer mass-market service. Consumer demand for this service is not

speculative. SpaceX has already entered into service agreements, including with underserved indigenous communities, first responders, and schools. Moreover, demand for the offering is strong and widespread: in addition to the thousands of customers already on the system, hundreds of thousands of individuals spread over diverse locations across all 50 states signed up to register their interest at Starlink.com even without any formal advertising.

SpaceX also takes seriously its responsibility to protect the shared orbital environment. To meet that responsibility, SpaceX is leveraging the built-in advantages of operating at low altitude and applying its unique iterative and integrated approach to take a series of unprecedented steps that minimize the effect of the Starlink constellation on other operating spacecraft and other orbital resources. SpaceX has designed its system so that normal operations should not generate any debris, but in the unlikely event that any does result, atmospheric drag will ensure that such debris will quickly disintegrate in the atmosphere and pose no further danger to space operations or life on the ground. Moreover, its satellites will have sufficient maneuverability to avoid other satellites and orbital debris throughout their mission lifetime and through the de-orbit process. Thus, Starlink satellites will contribute a great deal of capacity to serve consumers without imposing undue risk to safety in space.

V. **STARLINK SERVICES MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION.**

Starlink Services meets all applicable federal requirements for designation as an ETC, including 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201, *et seq.*

a. Starlink Services' ETC Service Areas.

Starlink Services requests ETC designation for the Service Areas, which is encompassed by the census blocks for which SpaceX was provisionally awarded RDOF support in the FCC Jurisdiction States. Starlink Services will provide service in all such census blocks.

b. Starlink Services Meets All State and Federal Requirements for ETC Designation.

i. Starlink Services Will Offer Supported Services, on a Common Carrier Basis, Throughout the Proposed Service Areas.

For purposes of this designation, Starlink Services will provide broadband internet access service and standalone voice service to the public throughout the Service Areas on a common carrier basis. Starlink Services is a common carrier for purposes of 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d).

ii. Starlink Services Will Offer Supported Services Using Its Own Facilities.

Pursuant to 47 C.F.R. § 54.201(d)(1), Starlink Services will satisfy the requirement for offering the services supported by RDOF throughout the Service Areas using a combination of owned and leased facilities. As described above, SpaceX is a facilities-based satellite provider with its own fleet of satellites, earth stations, gateways, switching facilities, and other associated facilities. An intercompany agreement provides Starlink Services with access to all space and terrestrial assets and infrastructure needed from SpaceX to deploy and deliver RDOF-supported services throughout the support term.

iii. Starlink Services Will Offer Voice Telephony Service.

Pursuant to 47 C.F.R. § 54.101(a)(1) and (b), Starlink Services will provide voice telephony services, including: (a) voice-grade access to the public switched telephone network ("PSTN") or its functional equivalent; (b) minutes of use for local service provided at no

additional charge to end users; (c) access to emergency services; and (d) toll limitation services to qualifying low-income consumers in accordance with 47 C.F.R. §§ 54.500, *et seq.* Starlink Services will offer voice services on a standalone basis at rates that are reasonably comparable to urban rates.

1. Starlink Services Will Provide Voice-Grade Access to the Public Switched Telephone Network.

Pursuant to 47 C.F.R. § 54.101(a), Starlink Services will provide voice-grade access to the PSTN by providing interconnected VoIP. Starlink Services is exploring avenues for the provision of voice services consistent with the requirements and goals of RDOF, including using a white-label managed service provider (“MSP”) voice platform that Starlink Services has certified to meet quality and performance standards exceeding those required by RDOF. In this baseline plan, Starlink Services would provide telephone services connecting consumers to its MSP’s platform using its network capacity, which is available to consumers through their customer premises equipment. Consumers will have the option of using a third-party, conventional phone connected to a Session Initiation Protocol standards-compliant analog terminal adaptor or a native-IP phone selected from a list of certified models.

The MSP solution represents Starlink Services’ baseline plan for a standalone voice service offering. Starlink Services continues to assess integrating alternative standalone voice applications into the Starlink network, including other third-party providers, or possibly developing its own proprietary solution. The company may adopt such approaches in the event that further testing demonstrates alternative solutions would provide a superior experience to the end customer or, if Starlink Services determines the end user would benefit from the existence of multiple voice solutions to introduce competition and redundancy into the supply chain.

The FCC, in its *USF/ICC Transformation Order*, made clear that eligible voice telephony services under Section 54.101(a) include the provision of voice service “over any platform, including the PSTN and IP networks.”¹⁰ The FCC has further explained that “a broadband provider may satisfy its voice obligation by offering voice service through an affiliate or by offering a managed voice solution (including VoIP) through a third-party vendor.”¹¹ Starlink Services will provide interconnected VoIP throughout the Service Areas, sufficient for voice-grade access to the PSTN pursuant to Section 54.101(a).

2. Starlink Services Will Provide Local Usage at No Additional Charge.

As part of the voice-grade access to the PSTN, an ETC must provide minutes of local service at no additional charge to end-users. The FCC has not specified a minimum amount of local usage that an ETC must offer. Starlink Services will offer voice rate plans in the Service Areas that include local calling at no additional charge and will comply with any and all minimum local usage requirements adopted by the FCC or states with jurisdiction over Starlink Services’ standalone voice service.

3. Starlink Services Will Provide Access to Emergency Services.

ETCs are required to provide access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an ETC’s Service Areas has implemented 911 or enhanced 911 systems.

¹⁰ *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 17663, 17685, para. 78 (2011) (“*USF/ICC Transformation Order*”).

¹¹ See *WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, WC Docket Nos. 09-197, 10-90, Public Notice, DA 18-714, 3-4 (rel. July 10, 2018) (“*FCC ETC Procedures Notice*”).

Starlink Services will satisfy this requirement by providing 911 and E911 for all of its customers, to the extent the local governments in its Service Areas have implemented 911 and E911.

4. *Starlink Services Will Offer Toll Limitation Services for Qualifying Low-Income Consumers.*

In its *Lifeline and Link Up Reform Order*, the FCC explained that toll limitation would no longer be deemed a supported service as of 2014.¹² Accordingly, Starlink Services will not seek reimbursement for toll limitation services. Starlink Services currently has no Lifeline customers because only carriers designated as an ETC can participate in the Lifeline program. Once designated as an ETC, however, Starlink Services will participate in Lifeline, as required by the FCC's rules, and will provide toll blocking service in accordance with 47 C.F.R. §§ 54.500, *et seq.*

iv. Starlink Services Will Offer Broadband Internet Access Services.

Pursuant to 47 C.F.R. § 54.101(a)(2), Starlink Services will offer broadband internet access service with the capability to transmit data to, and receive data by wire or radio from, all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. Starlink Services will offer broadband at rates that are reasonably comparable to rates offered in urban areas.

¹² *In the Matter of Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42, Report and Order, FCC 12-11, para. 229 (Feb. 6, 2012).

v. Starlink Services Will Provide Lifeline to Qualified Low-Income Consumers.

As required by 47 C.F.R. § 54.405, Starlink Services will provide Lifeline to qualifying low-income consumers and publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.

vi. Starlink Services Will Advertise the Availability of Supported Services.

Pursuant to 47 U.S.C. § 214(e)(2) and 47 C.F.R. § 54.201(d), Starlink Services will advertise the availability and rates of each of the supported services detailed above and the availability of Lifeline benefits throughout its ETC Service Areas by media of general distribution.

vii. Starlink Services Will Comply with the Service and Performance Requirements Applicable to the Support It Receives.

Pursuant to 47 C.F.R. § 54.202(a)(1)(i), Starlink Services will comply with the service and performance requirements applicable to the support that it receives, including the performance requirements and deployment milestones associated with RDOF support.¹³ Further, Starlink Services will comply with all applicable state and federal consumer protection and service quality standards associated with the receipt of RDOF support.

viii. Starlink Services Will Remain Functional in Emergency Situations.

Pursuant to 47 C.F.R. § 54.202(a)(2), Starlink Services will have sufficient back-up power to remain functional without an external power source in emergency situations, will be

¹³ Starlink Services notes that the FCC has waived the requirements to: (1) submit a five-year plan per 47 C.F.R. § 54.202(a)(1)(ii); and (2) demonstrate that it will satisfy applicable consumer protection and service quality standards per 47 C.F.R. § 54.202(a)(3). The FCC waived these requirements because “the Commission adopted more specific measures to track deployment, including annual reporting of service to geocoded locations and certification of compliance with benchmark milestones” and “such obligations were no longer essential to the Commission’s ability to monitor ETC use of support for its intended purpose.” *FCC ETC Procedures Notice* 4-5.

able to reroute traffic around damaged facilities, and will be able to manage traffic spikes resulting from emergency situations. At the user level, Starlink Services will offer a 24-hour battery back-up option for user equipment that will provide the ability to make phone calls in the event of a power outage. At the system level, Starlink Services is building redundancy into the network. For example, every user will have multiple satellites in view with which it can communicate. Additionally, every satellite will have multiple gateway sites in view with which it can communicate. The Starlink traffic routing system ensures that every user is served with bandwidth before users demanding more bandwidth get additional throughput assigned, which gives the Starlink network robustness in the event of emergencies requiring high throughput.

ix. Starlink Services Is Not Subject to a Denial of Federal Benefits under the Anti-Drug Abuse Act of 1988.

Pursuant to 47 C.F.R. § 1.2002, Starlink Services is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in the Commission's rules.

VI. DESIGNATING STARLINK SERVICES AS AN ETC IS IN THE PUBLIC INTEREST.

Expedited designation of Starlink Services as an ETC in the Service Areas will serve the public interest by ensuring that the Starlink Services is eligible to receive federal USF support, including the RDOF support it won through the auction, and to expand broadband coverage in and throughout the Service Areas. As described above, SpaceX has been provisionally awarded \$885 million in federal support over 10 years in 35 states, which has been assigned to Starlink Services. The FCC has determined that the voice and broadband services Starlink Services will deploy with RDOF support will advance the goal of RDOF to “ensure continued and rapid

deployment of broadband networks to unserved Americans.”¹⁴ ETC designation in the FCC Jurisdiction states will allow Starlink Services to receive RDOF support, which will enable Starlink Services to accelerate service for those who need it most and prioritize deployment to the underserved in the Service Areas.

Specifically, ETC designation will benefit users in the Service Areas by enabling Starlink Services to utilize RDOF support to take the following, non-exhaustive, actions:

- Significantly accelerate production of satellites and user equipment to ramp up capacity deployed and CPE available. Accelerated production means more people receive service faster in the unserved areas where SpaceX placed winning bids.
- Activate gateway sites in thinly populated areas of the country where their deployment may not otherwise be financially justified.
- Activate Starlink service in areas with fewer users than would otherwise be economically justified, enabling broadband coverage even to the least densely populated areas.
- Invest in standalone voice service capabilities.
- Prioritize delivery of service to locations included in the RDOF program by reserving a higher percentage of its dynamically steerable capacity for Americans located in the unserved and underserved areas where SpaceX placed winning bids.

¹⁴ *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, 35 FCC Rcd 6077, para. 5 (June 9, 2020).

With RDOF support, Starlink Services will rapidly provide >100 Mbps, low-latency access to the unserved areas SpaceX won in the auction in compliance with its public interest obligations.

VII. CONCLUSION.

As described above, Starlink Services satisfies all federal requirements for ETC designation in the Service Areas. Furthermore, designating Starlink Services as an ETC for purposes of receiving RDOF support is in the public interest because it will enable Starlink Services to receive support that will facilitate rapid deployment of broadband and VoIP service to the Service Areas at speeds and latency comparable to terrestrial systems in urban locations. Starlink Services respectfully requests that the Commission grant this petition by June 7, 2021 in order to meet the deadline for ETC designation for purposes of receiving RDOF support.

VIII. NOTICES.

Pleadings, orders, notices, or other correspondence and communications regarding this petition should be provided to:

R. Edward Price
Senior Counsel
SPACE EXPLORATION TECHNOLOGIES CORP.
1155 F Street, N.W. Suite 475
Washington, DC 20004
Ted.Price@spacex.com
(585) 455-6672

With a copy to:

Jennifer Richter
Akin Gump Strauss Hauer & Feld LLP
2001 K Street, N.W.
Washington, DC 20006
jrichter@akingump.com
(202) 887-4524

Respectfully submitted,

STARLINK SERVICES, LLC

By: /s/ R. Edward Price

R. Edward Price

Senior Counsel

SPACE EXPLORATION TECHNOLOGIES CORP.

PARENT COMPANY OF STARLINK SERVICES, LLC

1155 F Street, N.W. Suite 475

Washington, DC 20004

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(585) 455-6672

February 3, 2021

EXHIBIT 1

Alabama Jurisdiction Letter



STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION
P. O. BOX 304260
MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

JOHN A. GARNER, EXECUTIVE DIRECTOR

December 30, 2020

R. Edward Price
Senior Counsel
Space Exploration Technologies Corp.
1155 F Street, NW, Suite 475
Washington, DC 20004

IN RE: Expedited Request for Statement Disclaiming Jurisdiction (ETC Designation)

Dear Mr. Price:

In response to your letter of December 22, 2020 regarding Eligible Telecommunications Carrier ("ETC") designation for Starlink Services, LLC¹ ("Starlink"), it is our understanding that Space Exploration Technologies Corp. ("SpaceX") is the winning bidder under the FCC's Rural Digital Opportunity Fund ("RDOF") Phase I Auction (Auction 904). Further, it is our understanding that SpaceX assigned its RDOF to Starlink.

Your letter asserts that Starlink intends to offer satellite-based, broadband Internet access services and Voice-over-Internet Protocol ("VoIP") telephony within the state of Alabama. Under Alabama's Communications Reform Act, this Commission lacks regulatory jurisdiction over the specific services referenced in your letter:

Notwithstanding any provision of law to the contrary, the commission shall not have any jurisdiction, right, power, authority, or duty to regulate, supervise, control, oversee, or monitor, directly or indirectly, the rates, charges, classifications, provision, or any aspect of **broadband service, broadband enabled services, VoIP services, or information services.**²
[emphasis added]

In such circumstances wherein a state commission lacks regulatory jurisdiction over a carrier's services, state commissions may defer to the FCC decisions regarding eligibility for ETC designation:

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State

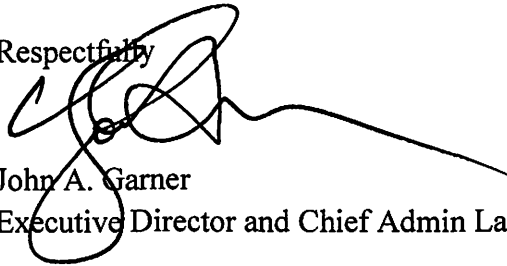
¹ Starlink Services, LLC is a wholly owned subsidiary of Space Exploration Technologies Corp. ("SpaceX")

² §37-2A-4(a), *Code of Alabama*, 1975

commission, the Commission [**the FCC**] shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission [**the FCC**] consistent with applicable Federal and State law.³ [emphasis added]

Consequently, the Alabama Public Service Commission hereby defers to the FCC the decision with respect to ETC designation for Starlink, LLC.

Respectfully

A handwritten signature in black ink, appearing to read 'John A. Garner', with a long horizontal line extending to the right.

John A. Garner
Executive Director and Chief Admin Law Judge

³ 47 U.S. Code § 214(e)(6).

EXHIBIT 2

Connecticut Jurisdiction Letter



STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY

January 5, 2021

VIA ELECTRONIC MAIL

Virginia D. Hiner
Akin Gump Strauss Hauer & Feld LLP
2001 K Street N.W.
Washington, DC 20006
Email: vhiner@akingump.com

Re: Designation of non-wireline carriers as an Eligible Telecommunications Carrier

Dear Attorney Hiner:

The Public Utilities Regulatory Authority (Authority) is in receipt of your recent correspondence requesting clarification on whether the Authority will designate Voice-over-Internet-Protocol (VoIP) and satellite broadband service providers as an Eligible Telecommunications Carrier (ETC) pursuant to 47 C.F.R. § 214(e).

These categories of non-wireline carriers are not subject to Authority jurisdiction under state or federal law for purposes of ETC designation; therefore, the Authority declines to designate VOIP or satellite broadband service providers as an ETC in Connecticut.

Sincerely,

Chairman
Public Utilities Regulatory Authority

EXHIBIT 3

New Hampshire Jurisdiction Letter

STATE OF NEW HAMPSHIRE

CHAIRWOMAN
Dianne Martin

COMMISSIONER
Kathryn M. Bailey

EXECUTIVE DIRECTOR
Debra A. Howland



TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-2431

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www.puc.nh.gov

PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

December 31, 2020

R. Edward Price, Esq., Senior Counsel
Space Exploration Technologies Corporation
1155 F Street, NW, Suite 475
Washington DC 20004

**Re: DT 20-208, Starlink Services, LLC
Request for Designation as an Eligible Telecommunications Carrier**

Dear Mr. Price:

On December 23, 2020, Space Exploration Technologies Corporation (SpaceX), on behalf of its wholly owned subsidiary, Starlink Services, LLC (Starlink), filed a letter with the Commission stating that the Federal Communications Commission (FCC) had recently announced SpaceX was a winning bidder in the FCC's recent Rural Digital Opportunity Fund (RDOF) auction. SpaceX assigned its right to receive RDOF funding to Starlink. Before it is eligible to receive RDOF funds, Starlink is required to seek designation as an Eligible Telecommunications Carrier (ETC) in New Hampshire. Starlink is seeking confirmation that the Commission lacks jurisdiction under state law to designate Starlink as an ETC.

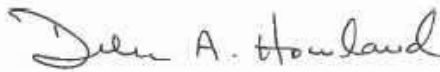
According to Starlink, it intends to offer satellite broadband internet access and Voice over Internet Protocol (VoIP) service to consumers in New Hampshire. Starlink asserts that, as a provider of only VoIP and Internet Protocol-enabled (IP-enabled) services, it is not subject to the Commission's regulatory jurisdiction, pursuant to RSA 362:7, II.

Although state commissions, such as the Commission, are the primary authorities for designating ETCs under 47 U.S.C. § 214(e), in cases where a provider's services are not subject to state jurisdiction, federal law authorizes the FCC to grant the ETC designation. *See* 47 U.S.C. § 214(e)(6). Accordingly, Starlink requested that the Commission issue a secretarial letter confirming that Starlink's designation as an ETC is not subject to the Commission's jurisdiction under state law.

On December 24, 2020, Commission Staff (Staff) filed a memorandum, in which it analyzed Starlink's request and the relevant jurisdictional issues. Staff recommended that the Commission issue a secretarial letter confirming that Starlink's designation as an ETC is not subject to the Commission's jurisdiction under New Hampshire law. Staff noted that, pursuant to RSA 362:7, II, providers of VoIP service or IP-enabled service are not public utilities, and the services they provide are not public utility services. VoIP service providers and IP-enabled service providers are subject only to the limited regulation specifically listed in RSA 362:7, III, which does not address market entry. Staff observed that such providers also may be subject to Commission assessment under RSA 363-A:2, I (d).

Based on Staff's analysis and recommendation, as summarized above, the Commission has determined that it lacks authority under New Hampshire law to designate Starlink as an ETC.

Sincerely,

A handwritten signature in black ink that reads "Debra A. Howland". The signature is written in a cursive style with a large initial 'D'.

Debra A. Howland
Executive Director

cc: Service List (Electronically)
Docket File

Service List - Docket Related

Docket#: 20-208

Printed: 12/31/2020

Email Addresses

ExecutiveDirector@puc.nh.gov
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EXHIBIT 4

New York Jurisdiction Letter



**Department of
Public Service**

Public Service Commission

John B. Rhodes
Chair and
Chief Executive Officer

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

Diane X. Burman
James S. Alesi
Tracey A. Edwards
John B. Howard
Commissioners

January 5, 2021

TO WHOM IT MAY CONCERN:

Re: Space Exploration Technologies Corp. Broadband and Voice over Internet Protocol (VoIP) Jurisdiction

We have received a request from Space Exploration Technologies Corp., whose wholly-owned subsidiary Starlink Services, LLC, a provider of broadband and VoIP services, requesting a statement that the New York State Public Service Commission does not currently exercise jurisdiction over broadband or VoIP services for the purpose of making determinations regarding Competitive Eligible Telecommunications Carrier (CETC) designations under section 214(e)(6) of 47 U.S.C. At this time, the New York State Public Service Commission does not certify broadband or VoIP providers.

Consequently, based on the representation by Space Exploration Technologies Corp. that it provides only broadband and VoIP services, it is not at this time subject to New York State Public Service Commission jurisdiction for the purpose of making a CETC designation.

Sincerely,

Debra LaBelle
Director
Office of Telecommunications

cc: Hon. Michelle L. Phillips, Secretary
Ruvain Kudan, Office of Telecommunications
Brian Ossias, Managing Attorney

EXHIBIT 5

Tennessee Jurisdiction Letter

TENNESSEE PUBLIC UTILITY COMMISSION

Kelly Cashman-Grams
General Counsel
(615) 770-6856
Kelly.Grams@tn.gov



Andrew Jackson State Office Bldg.
502 Deaderick Street, 4th Floor
Nashville, TN 37243-0001

December 23, 2020

Via Electronic Mail to Ted.price@spacex.com

SpaceX d/b/a Starlink Services, LLC
R. Edward Price, Senior Counsel
1155 F Street NW
Washington, DC 20004

RE: Agency Jurisdiction over Wireless, Broadband, and Voice over Internet Protocol (VoIP) Providers

Dear Mr. Price:

As you requested, this letter is provided for purposes of complying with the Federal Communications Commission Rural Digital Opportunity Phase I Auction requirements, and confirms that pursuant to Tenn. Code Ann. §§ 65-4-101(6)(A)(vi), 65-5-203, and 7-59-307(d), the Tennessee Public Utility Commission does not regulate or otherwise exercise jurisdiction over cellular wireless, internet broadband, or Voice over Internet Protocol (VoIP) providers seeking Competitive Eligible Telecommunications Carrier (ETC) designation. Should you have any questions or need further assistance, please feel free to contact me. Thank you.

Sincerely,


Kelly Cashman Grams, General Counsel

cc:
Virginia Hiner, vhiner@akingump.com
Earl R. Taylor, Executive Director
David Foster, Director, Utilities Division

EXHIBIT 6

Virginia Jurisdiction Order

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 20, 2021

Document Control Center 01/20/21@3:32 PM

APPLICATION OF

STARLINK SERVICES, LLC

CASE NO. PUR-2021-00007

For designation as an eligible
telecommunications carrierORDER

On January 6, 2021, STARLINK SERVICES, LLC ("Starlink" or "Company") filed with the State Corporation Commission ("Commission") an application pursuant to 47 U.S.C. § 214(e), in which Starlink asks that the Commission enter an order either designating the Company as an eligible telecommunications carrier ("ETC") for certain service areas in the Commonwealth Virginia, or in the alternative, stating that the Commission declines to exercise jurisdiction over the Company for purposes of its ETC designation in accordance with 47 U.S.C. § 214(e)(6) ("Application"). Starlink supplemented its Application with a filing on January 14, 2021.

In its Application, Starlink states that it is a subsidiary of Space Exploration Technologies Corp., and has been assigned Rural Digital Opportunity Fund ("RDOF") support awarded by the Federal Communications Commission ("FCC") covering a portion of the costs of improving high-speed broadband and voice services in designated areas in Virginia. Starlink states that as a condition of receiving this RDOF funding, in the amount of \$62,390,793, the FCC requires that the Company seek and obtain ETC status by June 7, 2021.

Starlink states that, with the RDOF support, it will provide satellite broadband and Voice-over-Internet Protocol services in the designated portions of Virginia. Starlink states that the Company meets the requirements to be designated as an ETC. Starlink notes that the FCC

has ETC designation authority when the service provider is not subject to the jurisdiction of any state commission, and asserts that for purposes of the RDOF auction, the FCC requires winning bidders seeking an ETC designation from the FCC to demonstrate that the FCC has jurisdiction by submitting an affirmative statement from the relevant state commission declining jurisdiction.¹ Starlink requests that the Commission issue such statement by February 6, 2021, to allow sufficient time for Starlink to obtain the necessary ETC designation from the FCC if the Commission declines to assert jurisdiction for purposes of the Company's ETC designation request.

NOW THE COMMISSION, upon consideration of the representations of Starlink and applicable law, is of the opinion and finds that, as the Commission has not asserted jurisdiction over service providers such as Starlink,² 47 U.S.C. § 214(e)(6) is applicable to the Company's request for ETC designation, and Starlink should make its request to the FCC. We further find that this case should be dismissed.

Accordingly, IT IS SO ORDERED.

¹ See 47 U.S.C. § 214(e)(2) and (6); *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020 - Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, AU Docket No. 20-34, WC Docket Nos. 19-126,10-90, 35 FCC Red. 6077, para. 135-136 (June 11, 2020).

² See, e.g., *Application of BARConnects, LLC, For designation as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)*, Case No. PUC-2015-00015, Doc. Con. Cen. No. 150330048, Order (Mar. 30, 2015); *Application of EMPOWER Broadband, Inc., For designation as an eligible telecommunications carrier*, Case No. PUR-2018-00155, 2018 S.C.C. Ann. Rept. 534, Order (Sept. 25, 2018); *Application of BARConnects, LLC, For designation as an eligible telecommunications carrier*, Case No. PUR-2018-00157, 2018 S.C.C. Ann. Rept. 535, Order (Sept. 25, 2018); *Application of PGEC Enterprises, Inc., For an expanded designation as an eligible telecommunications carrier*, Case No. PUR-2020-00281, Doc. Con. Cen. No. 201220145, Order (Dec. 15, 2020). See also, Va. Code § 56-1.3 (providing in part that "[t]he Commission shall not have jurisdiction with respect to the regulation of Voice-over-Internet protocol service, including but not limited to the imposition of regulatory fees, certification requirements, and the filing or approval of tariffs.").

A COPY hereof shall be sent electronically by the Clerk of the Commission to:

R. Edward Price, Senior Counsel, Space Exploration Technologies Corp., 1155 F Street, N.W., Suite 475, Washington, DC, 20004, Ted.Price@spacex.com; Jennifer Richter, Esquire, Akin Gump Strauss Hauer & Feld LLP, 2001 K Street N.W., Washington, DC 20006, jrichter@akingump.com; and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219, mbrowder@oag.state.va.us.

EXHIBIT 7

West Virginia Jurisdiction Letter



Public Service Commission

Jessica M. Lane, General Counsel

201 Brook Street, P.O. Box 812
Charleston, WV 25323

Phone: (304) 340-0450
Fax: (304) 340-3758
E-mail: jlane@psc.state.wv.us

December 16, 2020

Re: Providers of voice communications in West Virginia seeking
Eligible Telecommunications Carrier (ETC) certification

To Whom it May Concern:

The Public Service Commission of West Virginia (WV PSC) is aware that the Federal Communications Commission (FCC) will require bidders who were awarded universal service fund support through the FCC's recent Rural Digital Opportunity Fund auction to be certified as eligible telecommunications providers (ETCs) pursuant to 47 U.S.C. §214(e).

The WV PSC lacks statutory authority to certify, and pursuant to W.Va. Code 24-2-1(e), is prohibited from regulating, providers of internet protocol-enabled service or voice over internet protocol (VOIP) platforms. The WV PSC does certify communications providers as ETCs if they are subject to regulation by the Commission under Chapter 24 of the West Virginia Code.

Accordingly, this letter is an affirmative statement that under W.Va. Code 24-2-1(e), voice communication through internet protocol-enabled voice service and VOIP providers are not subject to WV PSC jurisdiction. The FCC has authority to certify ETC status for a common carrier providing telephone exchange service and access that is not subject to the jurisdiction of a state commission. 47 U.S.C. §214(e)(6); 47 CFR §54.202.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jessica M. Lane". The signature is stylized and fluid.

Jessica M. Lane,
General Counsel

JML/rm