



April 11, 2025

Via ECFS

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

Re: GN Docket No. 25-133, In re: Delete, Delete, Delete

The Computer & Communications Industry Association (CCIA)¹ is pleased to provide comments in response to the Federal Communications Commission (FCC or Commission) request for input in identifying FCC rules that can reduce unnecessary regulatory burden.² CCIA has long been a champion for regulatory frameworks that provide the flexibility necessary for companies to deploy innovative new technologies, and so applauds the Commission’s efforts to eliminate unnecessary rules that stand in the way of technological innovation.

In this proceeding, the Commission seeks comment on “deregulatory initiatives that would facilitate and encourage American firms’ investment in modernizing their networks, developing infrastructure, and offering innovative and advanced capabilities.”³ The Commission asks commenters to identify rules that are “unnecessary—or affirmatively detrimental,” taking into account, *inter alia*, cost-benefit considerations, the agency’s experience gained from implementation of the rule, and changes in the broader regulatory context.⁴

One such rule that is ripe for review is subpart (a)(2) of Commission Rule 25.161, which prohibits licensed entities from launching **any** non-geostationary orbit (NGSO) satellites if they are found to miss a milestone on any other satellite. This “no-more-satellites” subpart is overly punitive and extremely counterproductive.⁵

As background, Commission rules set interim and complete milestones for the deployment of U.S.-licensed NGSO systems: operators must launch 50% of their satellites within six years of authorization and 100% of their satellites within ten years of authorization.⁶ And Commission

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. The list of CCIA members is available at <https://ccianet.org/about/members/>.

² GN Docket No. 25-133, Public Notice, *In re: Delete, Delete, Delete*, DA 25-219 (rel. Mar. 12, 2025).

³ DA 25-219.

⁴ DA 25-219 at 2-5.

⁵ 47 C.F.R. § 25.161(a)(2) (“A station authorization shall be automatically terminated in whole or in part without further notice to the licensee upon . . . [t]he failure to meet an applicable milestone specified in § 25.164(b)(1) or (2), if at least one authorized space station is functional in an authorized orbit, which failure will result in the termination of authority for the space stations not in orbit as of the milestone date . . .”).

⁶ 47 C.F.R. § 25.164(b).

rules set out three penalties for any NGSO licensee that fails to meet its milestones: administrative sanctions (such as a fine),⁷ forfeiture of an escalating surety bond,⁸ and the “no-more-satellites” rule.⁹

That last penalty is by far the worst and most harmful, because it prohibits an NGSO from launching any further authorized satellites after a milestone has been missed. Ultimately, the penalty for failing to launch a sufficient number of satellites is to lose the ability to launch any further satellites and therefore **never** providing the full services promised to the American people.

The “no-more-satellites” rule threatens America’s lead in the global space race, costs more than any conceivable benefit, burdens both the Commission and satellite operators with unnecessary paperwork, and is no longer necessary—given the Commission’s other rules—to incentivize milestone compliance. The Commission therefore should “delete” it.

First, the “no-more-satellites” rule threatens America’s leadership in space innovation and deployment. The global space race is more competitive than ever, with nations and private enterprises pushing the boundaries of satellite technology and space-based services. By maintaining a rigid, automatic license-termination policy for missing a milestone, the U.S. risks ceding ground to foreign competitors who operate under more flexible regulatory regimes.

Indeed, it uniquely hamstring American companies that seek U.S. space licenses; foreign competitors need not meet those same milestones and can continue to deploy their constellations on whatever schedule is most economically prudent. Eliminating the no-more-satellites rule would ensure that minor setbacks do not needlessly stifle the ambitions of American companies working to maintain this nation’s dominance in the rapidly evolving space sector.

Second, the costs of the “no-more-satellites” rule greatly outweigh the benefits. As the Commission put it in 2003 when it first adopted milestones for NGSO operators, “[m]ilestones are intended to ensure that licensees provide service to the public in a timely manner, to prevent warehousing of scarce orbit and spectrum resources.”¹⁰ But the “no-more-satellites” rule does not serve these goals.

Unlike geostationary orbit (GSO) slots, where a fixed number of orbital positions exist, NGSO systems are inherently designed for dynamic sharing and coexistence. As such, one entity allegedly “sitting” on its NGSO authorization does not prevent others from deploying.

Moreover, the “no-more-satellites” rule **denies** the public access to new services, because it cuts off any further deployments by an NGSO operator based on an arbitrary milestone date—

⁷ 47 C.F.R. § 25.160(a) (“A forfeiture may be imposed for failure to operate in conformance with . . . any of the Commission’s rules and regulations . . .”).

⁸ 47 C.F.R. § 25.165.

⁹ 47 C.F.R. § 25.161(a)(2).

¹⁰ IB Docket Nos. 02-34, 02-54, *Amendment of the Commission’s Space Station Licensing Rules and Policies; Mitigation of Orbital Debris*, First Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd. 17060, 17127, ¶ 173 (2003).

and if the operator wants to deploy the remainder of its system, it must reapply and go through a whole new FCC authorization process for exactly the same system that was previously approved. Whatever the value of enforcing the Commission’s milestone policy in the context of NGSOs, stranding investment and preventing an operator from fully deploying its system is much too high a cost.

Third, the “no-more-satellites” rule creates unnecessary bureaucratic entanglements that slow down the Commission and derail industry resources from innovation and investment in favor of tedious paperwork and legal fees. The extraordinarily high penalty of the “no-more-satellites” rule can stop thousands of satellites from being launched, even if the operator missed the milestone by a single satellite. It is therefore unsurprising that the learned experience of the Commission, and the industry, is that missed milestones come with lengthy milestone extension requests. The standard governing such requests is both hazy and highly fact-specific, leading to inconsistent and unpredictable results and inviting voluminous filings. Those requests typically require lengthy responses from their competitors, which in turn require lengthy review processes from Commission Staff. The time required for such processes means that most milestone extension requests are not acted upon until long after the milestone has passed—with the operator now weighing the risk of stranded investment against its estimation of its chances at the Commission. And the results inevitably favor whoever is most adept at reading and reframing the Commission’s hoary precedent. What a waste.

Fourth, and perhaps worst of all, the “no-more-satellites” rule is unnecessary to enforce the Commission’s milestones policy. The FCC’s progressive surety-bond policy in itself incentivizes timely deployment. As do the Commission’s recently revised NGSO-NGSO spectrum-sharing rules, which favor authorized systems that deploy earlier before their special protections sunset.¹¹ So does the Commission’s proposal to assess regulatory fees on authorized, and not just operational, constellations.¹² And the Commission’s authority to impose monetary forfeitures further spurs timely deployment. In short, to the extent the Commission believes that space operators need a regulatory prod to deploy quickly (as if the marketplace incentives were not sufficient), it already has options to incentivize compliance with milestones; the “no-more-satellites” rule thus veers into regulatory excess.

CCIA welcomes Chairman Carr’s goal of “mak[ing] America the most attractive country in the world to launch a space business”¹³ and applauds the Commission’s efforts to date in doing so. CCIA encourages the Commission to build on its work by eliminating those rules that disadvantage U.S.-licensed companies, such as the outdated and counterproductive “no more satellites” rule. This rule, and similar rules like orbital-debris mitigation requirements that apply only to U.S.-licensed operators,¹⁴ threaten American leadership in space, creates

¹¹ 47 C.F.R. § 25.261.

¹² MD Docket No. 24-85, *Assessment and Collection of Space and Earth Station Regulatory Fees for Fiscal Year 2024*, Further Notice of Proposed Rulemaking, FCC 25-11 (Feb. 25, 2025).

¹³ Office of Chairman Brendan Carr, *FCC Chairman Carr Announces Early Wins at Launch of Satellite Week* (Mar. 10, 2025), <https://docs.fcc.gov/public/attachments/DOC-410075A1.pdf>.

¹⁴ 47 C.F.R. § 25.114(d)(14)(viii) (allowing “non-U.S.-licensed” satellite operator to avoid application of Commission’s orbital debris mitigation requirements on demonstration that its debris mitigation plans “are subject to direct and effective regulatory oversight by the national licensing authority”).



unnecessary regulatory bottlenecks, and is not necessary given the several other incentives for timely deployment. Further, concerns about NGSO spectrum warehousing have always been misplaced, given the shared nature of NGSO operations. The Commission should delete the “no-more-satellites” rule without delay.

CCIA appreciates the opportunity to participate in this proceeding and is available to provide any additional information that might be helpful to the Commission.

Sincerely,

Stephanie Joyce
Chief of Staff and Senior Vice President

Karina Perez
Director, Space & Spectrum Policy Center
CCIA