



April 14, 2020

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai,

The Aerospace Industries Association (AIA) and our more than 300 member companies would like to thank the FCC for working to update rules on orbital debris mitigation for Commission-authorized satellites. Orbital debris mitigation is an issue of great importance to maintain the long-term safe operation of all commercial, civil, and national security spacecraft and one all members of AIA agree needs careful attention. However, we have concerns about the proposed regulations in the draft report and order, as well as the proposals in the Further Notice of Proposed Rulemaking (FNPRM). Given these concerns, we urge the Commission to postpone consideration of orbital debris mitigation items at the April 23, 2020, meeting to provide adequate time for consideration and comment, including a discussion on the importance of a common integrated approach to space across all expert agencies.

As written, the disclosure and risk mitigation requirements lack transparency and objectivity and would likely confuse, discourage, and disincentivize the continued growth of the U.S. satellite industry. Imposing additional regulations and costs on the satellite industry will stymie the commercial innovation that helps power the rapid development of a flexible, resilient, and sustainable space architecture. This is an essential part of maintaining the U.S.'s global competitiveness in space and meeting our growing national security demands.

Both the Commission's Notice of Proposed Rulemaking (NPRM) on "Mitigation of Orbital Debris in the New Space Age" and the President's Space Policy Directive 3 (SPD-3) note that the number of debris objects and potential for debris generating events have grown. In June of 2018, SPD-3 directed the federal government to update its own debris mitigation guidelines, the Orbital Debris Mitigation Standard Practices (ODMSP). Over the course of more than a year, experts from across the government, including NASA and DOD, worked to update these guidelines, publishing the revised ODMSP in 2019. SPD-3 further noted the importance of the ODMSP in shaping the international environment on orbital debris mitigation and indicated that standards and best practices should be "incorporate[d]...into Federal law and regulation through appropriate rulemaking or licensing actions."

We are encouraged by the Commission considering the updated ODMSP in its rulemaking. However, the draft update to the orbital debris mitigation regulations includes additional compliance requirements that diverge from and are more aggressive than those standards – without any reasoned decision-making



transparent to the public. For instance, some of the new requirements for non-geostationary satellite systems may not be achievable at a reasonable cost. We ask the FCC to limit risk mitigation requirements to be as stringent as, but no more than, the ODMSP standards.

Further, the FCC's draft regulations impose many additional information disclosure requirements but fail to define objective standards governing when the substance of the information disclosed will be sufficient to warrant the grant of a license. This makes it extremely difficult for satellite operators to determine in advance what obligations may be imposed on satellite licenses. We ask the FCC to provide objective standards of sufficiency for an application to warrant a license.

Finally, the FNPRM proposes a multi-million-dollar post-mission disposal bond requirement, which would be forfeited in the event of a failure to decommission or deorbit a spacecraft successfully. The formula for the bond requirement disincentivizes operators from using more durable, longer-lived commercial systems or financing innovations in on-orbit debris mitigation, mission extension, and disposal services. It instead incentivizes operators to use shorter-lived spacecraft, resulting in additional replacements, more launches, and even greater orbital debris risk. We ask the FCC not to adopt the proposed bond requirement.

Given these issues, we urge additional time for consideration of and comment on these important topics. We look forward to continuing to work with you on the regulatory and policy improvements that will ensure continued U.S. leadership in the space sector.

Sincerely,

A handwritten signature in black ink, which appears to read 'Eric Fanning'. The signature is written in a cursive, flowing style.

Eric Fanning
President and CEO