

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of)	
)	
Review of the Commission’s Assessment and Collection of Regulatory Fees)	MD Docket No. 22-301
)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2023)	MD Docket No. 23-159
)	

June 29, 2023

REPLY COMMENTS OF CONFERS

CONFERS hereby submits Reply comments to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) in the above-referenced proceeding.¹

CONFERS is an industry-led advocacy organization developing standards and guiding policies for satellite servicing.² Since its initiation in 2017, CONFERS has grown to represent over sixty member organizations, mirroring the growth and development of the in-space servicing economy. On behalf of this vibrant and growing space sector, CONFERS is pleased to submit four main points for the Commission’s consideration.

¹ *Review of the Commission’s Assessment and Collection of Regulatory Fees & Assessment and Collection of Regulatory Fees for Fiscal Year 2023*, Report and Order and Notice of Proposed Rulemaking, MD Docket Nos. 22-301 & 23-159, 88 Fed. Reg. 36154 (released May 15, 2023) [*hereinafter* FY23 NPRM].

² CONFERS was previously known as the Consortium for Execution of Rendezvous and Servicing; the organizational name was modified in December 2022, when CONFERS became a 501(c)(6) entity. *See History*, CONFERS (June, 2023), https://satelliteconfers.org/wp-content/uploads/2023/06/About-CONFERS-FINAL_060223.pdf.

First, CONFERS supports the creation of a regulatory fee category for in-space servicing space stations. While the timeliness of this action is debated, the overall conclusion is the same: in-space servicing spacecraft belong in a distinct fee category.³ In-space servicing missions have different operational procedures, end users, and services offered than existing space stations. It is fair and administrable that the Commission would consider in-space servicing space stations in their own, unique category of space stations.⁴

Second, the annual regulatory fee for an in-space servicing space station should be appropriately limited. In-space servicing space stations are provided “reasonably related” benefits from only a small number of Commission FTE activities: in-space servicing missions are not involved in processing rounds, only occupy limited bandwidth for limited durations,⁵ and do not have complicated coordination environments, such as between FSS and terrestrial operators.⁶ Therefore, CONFERS agrees with Spaceflight and Astroscale U.S. and suggests the Commission consider a fee comparable to the amount of assessed for small spacecraft licensees.⁷

³ From the NPRM, CONFERS understands that the soonest an in-space servicing space station fee category could be adopted is for FY24. FY23 NPRM, *supra* note 1, at ¶ 15. *See* Comments of Astroscale U.S., Inc., MD Docket Nos. 22-301 & 23-159, at 1-4 (filed June 14, 2023); Comments of Spaceflight, Inc, MD Docket Nos. 22-301 & 23-159, at 2 (filed June 14, 2023); Comments of Intelsat License LLC, MD Docket Nos. 22-301 & 23-159, at 7-8 (filed June 14, 2023); Letter from Will Lewis, Counsel to Atomos Space & Nuclear Corporation, to Marlene H. Dortch, Secretary, FCC, MD Docket Nos. 22-272, 22-411, 23-159, & 22-271 at 2 (filed June 7, 2023).

⁴ *See* Comments of Kinéis, MD Docket Nos. 22-301 & 23-159, at 14-16 (discussing FCC precedent in creating fee categories for a specific market sector).

⁵ TT&C links for in-space servicing measure in the tens of kilobytes. The most significant spectrum use is during large data-rate downlink to support proximity operations – in the single-digit or low tens of megabytes – and this is for a limited duration in time. *See* Comments of Astroscale U.S., Inc., IB Docket Nos. 22-271 & 22-272, at 14-15 (discussing ISAM bandwidth requirements).

⁶ *See* Comments of Kinéis, *supra* note 4, at 16-18 (accounting for FTE hours spent on issues relevant to various space systems through a representative search of ECFS filings). CONFERS reiterates here that the Commission’s statutory authority is limited to spectrum-related matters and does not extend to space mission authorization or continuing supervision; any accounting of FTE hours or “reasonably related” benefits from proceedings for in-space servicing space stations will be similarly limited to spectrum matters only. *See* Comments of the Consortium for the Execution of Rendezvous and Servicing, IB Docket Nos. 22-271 & 22-272, at 10 (filed Oct. 31, 2022).

⁷ Comments of Spaceflight, *supra* note 3, at 6; Comments of Astroscale U.S., *supra* note 3, at 3-4.

Third, CONFERS urges the Commission to make an in-space servicing fee category orbit-agnostic. Placing in-space servicing missions under a servicing blanket category allows operators to grow with predictability in a single fee, no matter their orbital path or the changes in-between.⁸ Additionally, a fee category not attached to orbital regime advances the Commission’s concerns of fairness and administrability because it necessitates a critical examination of whether FTE hours spent on NGSO or GSO proceedings reasonably convey benefits for in-space servicers.

Finally, CONFERS agrees with the FCC’s preliminary finding that in-space servicing spectrum licensees, when docked with a Client satellite, operate as a singular spacecraft for regulatory fee purposes.⁹ As noted by Intelsat, this arrangement complies with Commission precedent of assessing annual regulatory fees to a single party in instances of satellites operated by more than one entity.¹⁰ CONFERS urges the Commission to expand this preliminary finding and exempt docked servicing spacecraft in GSO, NGSO, and hosted payloads affixed to an existing spacecraft by an in-space servicing vehicle from annual regulatory fees.¹¹

Overall, CONFERS supports adoption of a new, appropriately-limited in-space servicing space station fee category by the Commission. In-space servicing space stations provide an outsized benefit to space: servicing enables operators to extend and enhance their capabilities, resilience, and safety, and facilitates debris mitigation and remediation capabilities critical to long term space sustainability. And, while the benefits are outsized, the bandwidth occupied is minimal. The Commission should create a new fee category for in-space servicing space stations as a first

⁸ Comments of Spaceflight, *supra* note 3, at 6.

⁹ See FY23 NPRM, *supra* note 1, at ¶ 84. The term “Client satellite” is used here to mean “the space object being serviced by the Servicer spacecraft.” See *CONFERS Lexicon*, CONFERS (Mar. 2023), https://satelliteconfers.org/wp-content/uploads/2023/06/CONFERS_Lexicon_Paper-20233103.pdf.

¹⁰ See Comments of Intelsat, *supra* note 3, at fn.28 (citing *Assessment and Collection of Regulatory Fees for Fiscal Year 2020 & Assessment and Collection of Regulatory Fees for Fiscal Year 2019*, MD Docket Nos. 20-105 & 19-105, at ¶ 32, fn. 98 (released May 13, 2020)).

¹¹ See Comments of Astroscale U.S., *supra* note 3, at 4; Comments of Intelsat, *supra* note 3, at 8.

step in providing clarity and certainty for operators, with fees that are equitable and reflect the fact that in-space servicing satellites have an outsized impact on the orbital economy and space sustainability.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian K Lagana". The signature is written in a cursive, slightly slanted style.

Brian K. Lagana

Executive Director, CONFERS