



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Assessment and Collection of Space and Earth Station Regulatory Fees for Fiscal Year 2024)	MD Docket No. 24-85
)	
Review of the Commission’s Assessment and Collection of Regulatory Fees for Fiscal Year 2024)	MD Docket No. 24-86
)	

April 29, 2024

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 applauds the Commission’s anticipatory promulgation of this rulemaking, which will contribute to regulatory certainty for the expanding in-space servicing, assembly, and manufacturing (ISAM) economy, ahead of the annual fees proceeding.

First, CONFERS supports Astroscale U.S.’ suggestion that the Commission adopt an interim annual regulatory fee for *all* ISAM space stations for reasons of administrability and fairness.² As Blue Origin notes, industry will benefit from a clear categorical definition that provides operators with regulatory certainty.³ Additionally, defining one fee category for ISAM operators facilitates Space Bureau categorization of these space systems for fees proceedings.⁴

¹ *Assessment and Collection of Space and Earth Station Regulatory Fees for Fiscal Year 2024 & Review of the Commission’s Assessment and Collection of Regulatory Fees for Fiscal Year 2024*, Notice of Proposed Rulemaking, MD Docket Nos. 24-85 & 24-86, 89 Fed. Reg. 20582 (Mar. 13, 2024) [*hereinafter* FY24 Space NPRM].

² Comments of Astroscale U.S., MD Docket Nos. 24-85 & 24-86 (April 12, 2024) at 1-2.

³ Comments of Blue Origin, MD Docket Nos. 24-85 & 24-86, (April 12, 2024) at 2.

⁴ Varda incorrectly states that the Commission has declined to assess fees for OOS and RPO operators “because it was premature to adopt a new fee category,” when in fact these stations are eligible to be assessed fees *within various existing fee categories*. Comments of Varda Space Industries, MD Docket Nos. 24-85 & 24-86 (April 12, 2024) at 3. See FY24 Space NPRM, *supra* note 1, ¶ 50; *Assessment and Collection of Regulatory Fees for Fiscal Year 2023 & Review of the Commission’s Assessment and Collection of Regulatory Fees*, Report and Order, MD

Significantly, creating a collective ISAM space station fee category is also fair, as the record and Commission experience to-date indicate these systems have similar radiocommunication characteristics and overall FTE burden.⁵ Overall, CONFERS urges the FCC to adopt an interim annual regulatory fee category for “ISAM space stations.”⁶

Additionally, CONFERS supports assessing an interim annual regulatory fee for ISAM space stations in line with the small spacecraft fee category.⁷ As the Commission and commenters note, ISAM operators and small spacecraft share many characteristics that minimize required FTE hours and justify assessment of a lower fee, such as increased spectrum sharing capabilities and missions of limited duration.⁸ Relatedly, CONFERS joins Astroscale U.S. and Blue Origin in supporting the Commission’s proposal to create a fixed small spacecraft fee with limited annual adjustments.⁹

Finally, CONFERS agrees with SES and Intelsat that assessing an annual regulatory fee on authorized but not-yet-operational space stations and the existing requirement to post a surety bond seem to be overlapping incentives for operators to deploy satellites expediently.¹⁰ Specifically,

Docket Nos. 23-159 & 22-301, 88 Fed. Reg. 63694, at fn. 244 (adopted Aug. 10, 2023) (noting Spaceflight’s Sherpa AC-1 space station was removed initially listed as an NGSO space station subject to regulatory fees in FY 2023, but removed after a determination that the OTV was not yet operational in FY23); *id.* at ¶ 110 (discussing two operational GSO servicing spacecraft [MEV-1 and MEV-2] that are eligible to be assessed fees per GSO operational call signs, but finding they are part of an operational system already assessed GSO fees [Intelsat], and proposing servicing spacecraft that are “operating as part of an existing GSO systems” should not be assessed a separate fee); Comments of Spaceflight, Inc., MD Docket Nos. 23-159 & 22-301 at 2-3 (June 14, 2023) (discussing the Commission’s request that Sherpa move from an authorization under Part 5 to Part 25, and Spaceflight anticipated paying FY24 fees under existing NGSO space station categories).

⁵ FY24 Space NPRM, *supra* note 1, ¶ 51. For instance, it would be inequitable if one orbital transfer vehicle (OTV) was assessed an annual regulatory fee of approximately \$130,000 (NGSO – Less Complex) while another OTV with duplicate radiocommunication characteristics but a lower wet mass was assessed a fee of \$ 12,215 (NGSO – Small Satellite).

⁶ As Astroscale U.S. highlight, the definition of “ISAM space station” should be consistent across annual regulatory fee proceedings and the proposed ISAM authorization process. Comments of Astroscale U.S., *supra* note 2, at 1-2.

⁷ Comments of Varda, *supra* note 4, at 3.

⁸ FY24 Space NPRM, *supra* note 1, ¶ 51; Comments of Blue Origin, *supra* note 3, at 2; Comments of Astroscale U.S. at 2-3.

⁹ FY24 Space NPRM, *supra* note 1, ¶ 44-5; Comments of Astroscale U.S. at 4; Comments of Blue Origin at 5.

¹⁰ Comments of Intelsat License, MD Docket Nos. 24-85 & 24-86 (April 12, 2024) at 11; Comments of SES Americom, Inc. and O3B Limited, MD Docket Nos. 24-85 & 24-86 (April 12, 2024) at 12.

CONFERS shares concerns that dual costs of carrying a surety bond and paying annual regulatory fees for authorized but not-yet-operational space stations will have an outsized negative impact on small operators and startups, which includes much of the ISAM industry.¹¹ CONFERS urges the Commission to carefully consider appropriate constraints on surety bond requirements and/or annual regulatory fees assessed for not-yet-operational satellites to avoid levying unfair costs on ISAM operators.¹²

In conclusion, CONFERS supports the Commission's proposal to equitably fee ISAM space stations on an interim basis in line with the small spacecraft fee category. This proposed action is both administrable and fair, and will support sustainable space innovation.

Respectfully submitted,

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

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¹¹ Comments of Kepler Communications, MD Docket Nos. 24-85 & 24-86 (April 12, 2024) at 6; Comments of Blue Origin at 3-4.

¹² Comments of Kinéis, MD Docket Nos. 24-85 & 24-86 (April 12, 2024) at 17-18 (suggesting the Commission defer assessing regulatory fees on authorized, but not operational, space systems until FY25); Comments of the Commercial Smallsat Spectrum Management Association, MD Docket Nos. 24-85 & 24-86 (April 12, 2024) at 3 (urging the Commission to gradually phase in anticipated substantial fee increases); Comments of Astro Digital US, MD Docket Nos. 24-85 & 24-86 (April 12, 2024) at 3. CONFERS notes that the ISAM NPRM proposes to delay requiring an ISAM operator to post a surety bond for a period of one year. *See Space Innovation; Facilitating Capabilities for In-space Servicing, Assembly, and Manufacturing*, Notice of Proposed Rulemaking, IB Docket Nos. 22-271 & 22-272, 89 Fed. Reg. 18875 (Feb. 16, 2024), at ¶ 18.