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**December 5, 2022**

## **FCC Partially Grants SpaceX Gen2 Starlink Satellite Orbital Deployment and Operating Application**

On December 1, the Federal Communications Commission ("FCC"), the U.S. satellite regulator, released an Order and Authorization partially granting SpaceX's application for orbital deployment and operating authority for up to 7,500 of its planned nearly 30,000 Satellite NGSO (Non-Geostationary Orbit) Gen2 Starlink broadband satellite constellation. A copy of the FCC Order can be found [Here](#).

In the Order, the FCC granted SpaceX authority to construct, deploy and operate up to 7,500 satellites at altitudes of 525, 530 and 535 km ("LEO," or Low Earth Orbit) for Fixed Satellite Service ("FSS") at 53, 43 and 33 degree orbital inclinations in the Ku- and Ka-bands. The FCC deferred consideration of SpaceX's request for authority to operate in the E-band and for the remaining approximately 22,000 satellites in the proposed constellation, but the order will allow SpaceX to begin deployment of Gen2 Starlink.

The FCC's deferral of the remainder of SpaceX's application was in part to consider concerns raised by comments about orbital debris remediation and space safety for other FSS LEO satellite constellations; we previously reported on the FCC's recent adoption of a Report and Order ("R&O") that would require LEO operators to de-orbit their satellites as soon as practicable and no more than 5 years after mission-end, down from the previously non-mandatory guideline of 25 years ("FCC Adopts Mandatory 5 Year Satellite De-Orbiting Rules," September 30, 2022). The R&O noted that there are currently over 4,800 orbiting satellites, the vast majority orbiting at under 2,000 km (1,200 miles) altitude, the upper limit of LEO (traditional geosynchronous orbits, including geostationary "GEO" orbits - geosynchronous at 0 degrees inclination to the equator and 0 eccentricity, or circular rather than elliptical - are at 35,786 km, or

22,236 miles). Many of the LEO satellites were launched within the last two years and may have shorter service lives than geosynchronous satellites, due to greater atmospheric drag than orbits at higher altitudes.

That and other information on space system legal, regulatory and industry developments are available at [Kurtin PLLC Satellites & Space](#)).

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