



February 13, 2026

Ex Parte

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

Re: *Satellite Spectrum Abundance, SB Docket No. 25-180*
Modernizing Spectrum Sharing for Satellite Broadband, SB Docket No. 25-157
Space Modernization for the 21st Century, SB Docket No. 25-306

Dear Ms. Dortch:

Michael Calabrese and Jessica Dine, representing New America’s Open Technology Institute (OTI), and Kristian Stout, representing the International Center for Law & Economics (ICLE), met on February 11 with Arpan Sura, senior counsel and wireless legal advisor to Chairman Brendan Carr, with Will Holloway, wireless legal advisor to Commissioner Olivia Trusty, and with Edyael Casaperalta, wireless advisor to Commissioner Anna Gomez, with respect to the above-captioned proceedings.

In each meeting we summarized at a high-level the recommendations in the report of the LEO Satellite Policy Working Group that we jointly convened throughout 2025.¹ The Working Group’s report highlights three salient LEO issues for policymakers to address: spectrum sharing and coexistence, competition and advancing the goals of universal and ubiquitous connectivity. The Working Group emphasized that more effective spectrum sharing and coexistence reforms can hugely expand LEO capacity, performance, and innovation.

With respect to modernizing the rules governing GSO/NGSO spectrum sharing in the Ku and Ka bands, the Working Group strongly supported modernizing EPFD limits and enacting a

¹ See “Low Earth Orbit Satellites: Policies to Promote Spectrum Sharing, Foster Competition, and Close Digital Divides,” LEO Policy Working Group, Int’l Ctr. for Law & Econ. & New America (Oct. 30, 2025) (“LEO Working Group Report”), <https://www.newamerica.org/oti/wireless-future-project/reports/leo-satellites/>.

framework similar to that governing NGSO/NGSO sharing.² This framework should require all operators to coordinate in good faith and adopt default interference thresholds that are proxies for actual harmful interference. The Working Group suggested it would be effective to combine a short-term protection criterion based on an absolute increase in unavailability, such as 0.1% unavailability, with a long-term protection criterion based on 3% degraded throughput for GSO systems using ACM. Finally, the report suggested that the Commission should at least consider sunsets for priority protection, as it did in the NGSO/NGSO sharing framework, at least for ground stations since these can be upgraded to minimize interference risk more easily and cheaply than GSO satellites in orbit.

Studies have shown that this framework could increase LEO providers' overall capacity by up to 8 times, providing a quality and capacity increase that is sorely needed as increasing numbers of consumers rely on LEO service to get online. We urged the staff to adopt an order as soon as possible in part to demonstrate the benefits of a more robust sharing framework well in advance of WRC-27, where this issue is on the tentative agenda. Ahead of WRC-23, OTI and ICLE joined 13 other consumer, school, library and rural advocacy organizations on a joint letter to the leaders of the U.S. delegation strongly supporting this sharing framework.³

With respect to the Spectrum Abundance proceeding, we summarized the Working Group's support for a robust satellite spectrum pipeline above 12 GHz, including most of the specific bands identified in the Commission's pending NPRM. In particular, we expressed our strong support for opening the 12.7-13.25 GHz band as an extension of the adjacent Ku downlink, as well as the 51.4 – 52.4 GHz band, which is also adjacent to prime FSS spectrum and unused, for NGSO uplink operations (earth to space). Finally, we described the Working Group's support for authorizing the coordination of FSS earth stations into the 42-42.5 GHz band as part of a light-licensing and automated database coordination process. This automated coordination system could be similar to the proven 70/80/90 GHz framework and be used to coordinate the siting of earth station gateways in many other millimeter wave bands, including the Lower 37 GHz band and the UMFUS bands being considered in a separate proceeding.⁴

Finally, with respect to the Space Modernization proceeding, we gave a very brief overview of the comments we filed summarizing the Working Group's recommendations.⁵ The

² See also Comments of Public Knowledge and Open Technology Institute, *Modernizing Spectrum Sharing for Satellite Broadband*, SB Docket No. 25-157 (July 28, 2025).

³ Letter from 15 public interest organizations to FCC Chairwoman Jessica Rosenworcel, Assistant Secretary of Commerce Alan Davidson, and Ambassador at Large Nathan C. Fick, U.S. State Department, urging the U.S. to prioritize more efficient and equitable access to shared spectrum resources for both LEO and GSO networks at WRC'23 (August 28, 2023).

⁴ We also noted that, when considering proposal such as light-licensing in the UMFUS bands, that it is important to give consideration to the reasonable investment expectations of existing license holders.

⁵ See Comments of International Center for Law & Economics and Open Technology Institute at New America, *Space Modernization for the 21st Century*, SB Docket No. 25-306 (Jan. 20, 2026).

Working Group emphasized the need to replace the current process – characterized by case-by-case bespoke reviews and tailored conditions – with standardized operational rules (including for space sustainability) capable of streamlining the application process by serving as presumed acceptable criteria. The Working Group also supported greater latitude for operators to design and modify their systems as technology continues to rapidly evolve. The Working Group recommended a “shot clock” (e.g., 1 year), but with flexibility for staff to pause the clock as the need for additional information or other special circumstances require. Finally, while the Working Group did not make a recommendation on the overall timeline for deployment milestones – or whether to level the playing field between U.S. and non-U.S. licensees by mirroring the ITU’s timeline – it did recommend that deployment milestones be restructured into more graduated, measurable steps (e.g., every two year after an initial period), making the forfeiture of larger performance bonds a stronger incentive to deter speculative applications and warehousing.

In accordance with Section 1.1206(b) of the Commission’s rules, this letter is being filed with your office.

Respectfully submitted,

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cc: Arpan Sura
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