



September 10, 2021

VIA E-FILING

David P. Zambito

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building - 2nd Floor
400 North Street
Harrisburg, PA 17120

Re: Application of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Rural Digital Opportunities Fund Support; Request for Expedited Consideration; Docket No. P-2021-3023580

Petition of Starlink Services, LLC for Partial Reconsideration and Stay

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is the Petition of Starlink Services, LLC for Partial Reconsideration and Stay in the above-referenced matter. As this is an uncontested matter, no certificate of service is enclosed.

Please contact me if you have any question or concern about the enclosed. Thank you.

Sincerely,

Cozen O'Connor

David P. Zambito
Counsel for *Starlink Services, LLC*

DPZ:kmg
Enclosures

cc: Joseph P. Cardinale, Jr. (Law Bureau)
R. Edward Price, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Starlink Services, LLC for Designation :
as an Eligible Telecommunications Carrier for : Docket No. P-2021-3023580
Purposes of Receiving Rural Digital Opportunities :
Fund Support :

**PETITION OF STARLINK SERVICES, LLC
FOR PARTIAL RECONSIDERATION AND STAY**

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Dated: September 10, 2021

Counsel for *Starlink Services, LLC*

NOW COMES Starlink Services, LLC (“Starlink”), pursuant to Section 703(g) of the Pennsylvania Public Utility Code (“Code”)¹ and Section 5.572(c) of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“Commission”),² to request that the Commission reconsider a small portion of the Order entered in this matter on August 26, 2021 (the “Order”). A petition for reconsideration does not automatically stay enforcement of the agency order in question.³ Consequently, Starlink requests that the Commission also issue a partial stay of the Order pending disposition of the merits of Starlink’s request for partial reconsideration.

In the Order, the Commission provisionally granted Starlink’s request for designation as an eligible telecommunications carrier (“ETC”). The Commission required Starlink to submit certain additional documentation by specific deadlines. For the reasons set forth herein, Starlink respectfully requests that the Commission reconsider and modify the following deadlines:

- (1) Ordering Paragraph 3’s deadline of 90 days from entry of the Order for submitting evidence of an executed contract with a managed service provider or other third-party voice platform;⁴
- (2) Ordering Paragraph 7’s deadline of 120 days from entry of the Order for submitting a tariff for Starlink’s qualifying voice service; and
- (3) Ordering Paragraph 9’s deadline of 120 days from entry of the Order for submitting a Lifeline tariff.

Starlink requests that these deadlines be modified to better align with the timing of the service requirements established by the Federal Communications Commission (“FCC”) for winning bidders in the Rural Digital Opportunity Fund (“RDOF”) auction. In addition, Starlink

¹ 66 Pa. C.S. § 703(g).

² 52 Pa. Code § 5.572(c).

³ *SBG Management Servs., Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works*, Docket Nos. C-2012-2304183 and C-2012-2304324 (Opinion and Order entered May 9, 2019).

⁴ Failure to meet this deadline will result in the revocation of Starlink’s provisional ETC status.

requests that the Commission stay the enforcement of the deadlines in Ordering Paragraphs 3, 7 and 9 pending disposition of Starlink’s request for reconsideration.

In support whereof, Starlink states as follows:

I. PROCEDURAL HISTORY.

1. On January 5, 2021, Starlink filed its “Application of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Rural Digital Opportunities Fund Support; Request for Expedited Consideration” (the “Petition”).⁵ Starlink amended its Petition on January 14, 2021.

2. The Petition explained that Space Exploration Technologies Corp. (“SpaceX”) was selected by the FCC as a winning bidder in the RDOF auction to provide satellite broadband and Voice over Internet Protocol (“VoIP”) services in more than 10,000 census blocks in Pennsylvania. SpaceX assigned its winning bids to its wholly-owned subsidiary Starlink.⁶

3. The Petition also explained that Starlink’s receipt of RDOF funds is contingent (among other things) on Starlink receiving ETC designation from the Commission by June 7, 2021.⁷

4. Notice of Starlink’s Petition was published in the Pennsylvania Bulletin on February 6, 2021.⁸ Interested persons were directed to file and serve an answer within 20 days of publication. Starlink then had 10 days to file and serve a response.

5. No answers were timely filed or served.

⁵ Although Starlink labeled its filing an “Application,” the Commission deemed it a “Petition.” Order at 1, n.1. As a result, Starlink’s filing, as amended, will be referred to herein as the “Petition.”

⁶ Petition at 1.

⁷ *Id.*

⁸ 51 Pa. B. 763.

6. On May 24, 2021, the Commission issued a letter indicating that Starlink has acted in good faith by demonstrating its willingness to work with the Commission to address issues of concern regarding the Petition.

7. According to page 14 of the Order, the Ensuring RDOF Integrity Coalition (“ERIC”) filed comments on the Petition on July 27, 2021. Starlink was not served with these comments by ERIC or the Commission, and the comments are not posted on the Commission’s website. Starlink respectfully requests that the Commission provide it with a copy of this *ex parte* communication, and Starlink reserves the right to file a response, since the Commission considered ERIC’s comments in the Order.⁹

8. No hearings were held in this proceeding.

9. In addition to the Petition, the record includes Starlink’s responses to three sets of data requests from the Commission’s Bureau of Consumer Services (“BCS”).

II. LEGAL STANDARDS.

10. The Code provides that “[t]he commission may, at any time, after notice and after opportunity to be heard . . . , rescind or amend any order made by it.”¹⁰ Such a request must be made by a petition which complies with 52 Pa. Code § 5.572. The Commission’s established standard for determining whether to grant a petition for reconsideration is set forth in *Duick v. Pennsylvania Gas and Water Co.*, in which the Commission stated:

A Petition for Reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this Code to rescind or amend a prior order in whole or in part. In this regard we agree with the court in the Pennsylvania Railroad Company case, wherein it was said that “[p]arties . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or

⁹ See Order at 31.

¹⁰ 66 Pa. C.S. § 703(g).

considerations which appear to have been overlooked or not addressed by the Commission.¹¹

Additionally, a Petition for Reconsideration is properly before the Commission where it pleads newly discovered evidence, alleges errors of law, or a change in circumstances.¹²

11. The criteria applicable to a request for stay are set forth in *Pa. Pub. Util. Comm'n v. Process Gas Consumers Group* (“*Process Gas*”).¹³ Those criteria are:

- a. The petitioner makes a strong showing that it is likely to prevail on the merits.
- b. The petitioner has shown that without the requested relief, the petitioner will suffer irreparable injury.
- c. The issuance of a stay will not substantially harm other interested parties in the proceeding.
- d. The issuance of a stay will not adversely affect the public interest.

All four of these criteria must be satisfied for a stay to be granted.¹⁴

III. REQUEST FOR RECONSIDERATION: STARLINK SATISFIES THE *DUICK* STANDARD.

12. In the Order, the Commission granted Starlink provisional ETC status, but required Starlink to submit additional information within 90 days after entry of the Order.¹⁵ Upon meeting that deadline, Starlink would have an obligation to provide Lifeline service within its Designated Service Area. If, however, Starlink failed to meet that deadline, Starlink’s provisional ETC status would be revoked.¹⁶ Additionally, Starlink was required to file tariffs within 120 days after entry of the Order.¹⁷

¹¹ 56 Pa. P.U.C. 553, 559, 1982 Pa. PUC LEXIS 4 (1982),

¹² *Id.*

¹³ 467 A.2d 805 (Pa. 1983).

¹⁴ *Id.*

¹⁵ Ordering Paragraph 3.

¹⁶ *Id.*

¹⁷ Ordering Paragraphs 7 and 9.

13. Starlink was never given notice of, and an opportunity to comment on, the proposed deadline for the submission of additional information to move from provisional to full ETC designation status, or the proposed deadlines for the submission of tariffs. This procedure violates Starlink’s due process rights.¹⁸

14. The Commission’s consideration of the instant Petition for Reconsideration would not give Starlink the proverbial “second bite at the apple.” To the contrary, it would give Starlink a bite at the apple, which is required by due process.

15. Because Starlink was never given notice of, and an opportunity to comment on, the proposed deadline for the submission of additional information to move from provisional to full ETC designation status, or the proposed deadlines for the submission of tariffs, Starlink offers the Commission new and novel arguments, set forth below, which the Commission has not considered previously.

IV. REQUEST FOR RECONSIDERATION: THE COMMISSION SHOULD MODIFY THE DEADLINES IN ORDERING PARAGRAPHS 3, 7 AND 9.

A. The Commission’s Order.

16. In the Order, the Commission determined that Starlink presently meets most, but not all, of the pertinent statutory criteria and applicable minimum standards necessary under federal and Pennsylvania law to obtain designation as an ETC.¹⁹ The Commission therefore required Starlink to:

. . . file the requisite and sufficient information that it either has self-provisioned voice telecommunications service capable of accessing the Public Switched Telecommunications Network (PSTN) or has executed a contractual agreement with a third-party managed service provider (MSP) voice platform or other provider

¹⁸ Due process is satisfied when the parties are afforded notice and the opportunity to appear and be heard. *Schneider v. Pa. Pub. Util. Comm’n*, 479 A.2d 10, 15 (Pa. Cmwlth. 1984).

¹⁹ Order at 2-3.

that will enable it to offer voice telecommunications service capable of accessing the PSTN.²⁰

If Starlink meets the deadline, the Commission will grant Starlink full ETC designation status. If Starlink fails to meet the deadline, the Commission will revoke Starlink’s provisional ETC designation status.²¹

17. The Commission ordered Starlink to file, within 90 days of entry of the Order, “evidence that it can provide standalone voice service, how it will do so, and how it satisfies the remaining voice-related obligations addressed in more detail below.”²²

18. Significantly, the Commission stated:

... upon satisfying this condition [of providing additional information within 90 days], Starlink Services will have, among others, an obligation to provide Lifeline services to all eligible low-income customers residing in its Designated Service Area²³

19. In addition, the Commission ordered Starlink to file two tariffs for voice service (one tariff for Lifeline customers and one tariff for non-Lifeline customers). The deadline for filing these tariffs was 120 days following the entry of the Order.²⁴

B. The Deadlines in Ordering Paragraphs 3, 7 and 9 Should be Modified Because They are Not Supported by Substantial Evidence and are Premature in Light of the FCC’s RDOF Long-Form Application Process.

20. A Commission order must be supported by substantial evidence in the record.²⁵ More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to

²⁰ *Id.* at 3.

²¹ *Id.*

²² *Id.* at 25. *See also id.* at 34, 47-48, 57, and Ordering Paragraph 6.

²³ Order at 3.

²⁴ Ordering Paragraphs 7 and 9.

²⁵ 66 Pa. C.S. § 332(b).

be established.²⁶ Evidence is substantial when relevant and of a nature that a reasonable mind might accept as adequate to support a conclusion.²⁷

21. Nowhere in the Order does the Commission explain the reason for establishing a 90-day deadline following entry of the Order for the submission of additional information required by Ordering Paragraph 3, nor does the Order explain the reason for establishing a 120-day deadline for the filing of tariffs. There is also nothing in the record that would justify these deadlines. Starlink therefore respectfully submits that the deadlines are arbitrary and capricious.

22. The Petition indicates that Starlink is applying for ETC designation status because it was assigned SpaceX's winning bids in the RDOF auction and the FCC requires a winning bidder to obtain ETC designation status by June 7, 2021.²⁸ As noted in the Order, the FCC selected winning bidders in the RDOF auction based on a short-form application, but requires winning bidders to submit a long-form application before being authorized to receive RDOF funds.²⁹ Long-form applications were required to be filed by January 29, 2021,³⁰ but there is no deadline for FCC action on long-form applications.

23. The FCC has not yet acted upon Starlink's long-form application.³¹ Consequently, Starlink is not yet authorized to receive RDOF funds. As discussed in Starlink's Petition and its

²⁶ *Norfolk & Western Ry. Co. v. Pa. Pub. Util. Comm'n*, 489 Pa. 109, 413 A.2d 1037 (1980).

²⁷ *Lancaster County v. Pa. Lab. Rel. Bd.*, 82 A.3d 1098, 1109-10 (Pa. Cmwlth. 2013).

²⁸ Petition at 1.

²⁹ Order at 18.

³⁰ Petition Exhibit 2 at 1.

³¹ See **Attachment A**, the affidavit of David Finlay, which explains the current status of Starlink's long-form application. Starlink respectfully submits that the Commission may accept and consider additional evidence on reconsideration based on the facts of this case. 52 Pa. Code § 5.571 allows a party to file a petition to reopen the proceeding for the purpose of taking additional evidence. Since this is an uncontested matter, there is no need for the Commission to require the filing of a separate petition, nor does the Commission need to wait for answers filed by other parties.

Moreover, a petition to reopen the record may be filed at any time after the record is closed but before a final decision is issued. The Order was an interlocutory order rather than a final order, since it granted Starlink provisional ETC status. The instant request for the Commission to accept and consider additional evidence is therefore timely.

responses to BCS data requests, the FCC does not require a winning RDOF bidder to begin providing service in its designated census blocks until after its long-form application is approved and the applicant is authorized to receive funds. Starlink indicated that it was preparing to begin providing service in Pennsylvania according to the FCC's RDOF milestones.

24. Because of the deadlines contained in Ordering Paragraphs 3, 7 and 9, the Commission's Order could require Starlink to begin providing Lifeline service in its Designated Service Area before the FCC acts on Starlink's long-form application. The Order states:

As previously noted, Starlink Services was one of the successful bidders in Auction 904 that is aiding with the construction of the planned network facilities in Pennsylvania, and the FCC's RDOF Phase I bidding process and long-form application process require a demonstration of managerial, technical, and financial fitness elements for the participation of the successful bidders. Accordingly, *the Commission determines that with such demonstration before the FCC, Starlink Services will have demonstrated it is technically, managerially, and financially fit to offer and provide Lifeline service to qualifying low-income consumers in all high-cost areas in Pennsylvania where it is authorized to receive support.*³²

25. Starlink understands the Commission's role in the ETC process and desires to ensure that Pennsylvanians receive high quality services through Universal Service funding. Starlink also understands the Commission's motivation for granting Starlink provisional ETC designation status (*i.e.*, to provide a mechanism by which Starlink's ETC designation status, and by extension its RDOF support in Pennsylvania, can be revoked if Starlink cannot deliver a satisfactory voice product over its network). As noted in Starlink's Petition and answers to BCS data requests, Starlink is absolutely confident that it can deliver compliant voice services over its satellite-based infrastructure.³³ As such, Starlink does not object to the requests for supplemental

The record contains no information (let alone recent information) regarding Starlink's long-form application. It is in the public interest that the Commission have the most up-to-date information on this topic in order to render an informed decision on Starlink's Petition.

³² Order at 42.

³³ *See, e.g.*, Petition pp. 2-8, and 13; Responses to BCS Data Requests Set I No. 2 and Set II No. 14.

information regarding its voice product. Starlink objects, rather, to the requirement that such information be submitted within 90 and 120 days of the Order instead of following the FCC’s final grant of RDOF funding to Starlink.

26. In the Order, the Commission “acknowledge[d] that Starlink Services is not required to demonstrate to us at this time that its voice service does meet or exceed the RDOF performance standards for voice service” while simultaneously basing the filing deadlines at issue on the fact that Starlink “cannot certify to us that its NGSO satellite-generated, interconnected VoIP service will meet or exceed the quality and performance standards for voice-grade service required by the RDOF.”³⁴

27. The Commission also stated that it is “fully cognizant of the fact that Starlink Services must again certify and demonstrate, as part of the FCC’s long-form application process, that it has the technical and financial ability to provide voice service meeting or exceeding RDOF Phase I standards prior to being authorized to receive federal high-cost support.”³⁵ The Commission also pointed out that “it is only after the FCC evaluates whether Starlink Services is technically and financially capable of meeting its service obligations that the FCC will authorize the release of the financial support that Starlink Services has won in the auction.”³⁶

28. As such, the evidence and the Commission’s own conclusions do not support a finding that Starlink should be required to submit the required information 90 or 120 days from the date of Order entry, which, as described in the following section, will in all likelihood be well before the FCC approves of Starlink’s long-form application or Starlink begins to receive RDOF funding. Instead, the evidence demonstrates that the FCC will conduct a thorough technical

³⁴ Order at 23-24.

³⁵ *Id.* at 24.

³⁶ *Id.*

analysis of Starlink’s capabilities to meet all its RDOF obligations, including those related to voice service. Only after this technical analysis has been completed will Starlink receive RDOF support.

29. Under this revised structure, the Commission will achieve the same goal of ensuring that only qualified ETCs receive Universal Service support, but will allow the primary distributor of those funds – the FCC – to initially determine the capabilities of support recipients. Starlink’s proposed changes to the Order would also better align the obligation to provide Lifeline with the receipt of funds for the underlying networks by which such services will be provided. Moreover, the public interest will not be harmed if Starlink remains provisionally designated as an ETC, but does not provide service to the public, until after the FCC approves Starlink’s long-form application and Starlink is authorized to receive RDOF funds.

C. The Deadlines in Ordering Paragraph 3, 7 and 9 Should be Modified to Better Align with the FCC’s Review and Approval of the Support Pursuant to Which the ETC Designation Was Sought.

30. As stated above, Starlink does not presently provide voice and/or broadband service in its Designated Service Area.

31. Starlink applied for ETC designation as one step in the RDOF auction process. Starlink will not finally complete that process, and be authorized to receive RDOF funds, until after the FCC approves Starlink’s long-form application, which has not occurred.

32. The FCC does not require a winning RDOF bidder to begin providing voice and/or broadband service in its designated census blocks until after the applicant’s long-form application is approved and the applicant is authorized to receive funds. Additionally, as described in Starlink’s Petition, the FCC has established deployment milestones by which newly-funded RDOF networks must offer service. Specifically, RDOF recipients must offer service to 40% of the awarded locations statewide by the end of the third full calendar year following funding

authorization, and 20% each year thereafter, resulting in 100% deployment to funded locations by the end of the sixth calendar year.³⁷

33. The federal and state requirements for Starlink to begin providing service in its RDOF Designated Service Area should be aligned.

34. As noted in **Attachment A**, Starlink has submitted its long-form application to the FCC on the timelines established by the FCC's rules. However, the FCC has not yet acted on Starlink's application. Further, the FCC's actions to date show that the FCC's review of the initial tranche of 48 of 180 (27%) long-form applicants occurred over six months. Given this timeline, Starlink's long-form application is not expected to be granted for several months, at a minimum.

35. Starlink respectfully requests that it be required to submit a status report regarding its long-form application every two months, beginning two months after entry of the Commission's order on reconsideration.

36. In addition, Starlink respectfully submits that Ordering Paragraphs 3, 7 and 9 be modified as follows, in order to better align with the FCC's deadline for beginning to provide service within Starlink's Designated Service Area:

a. 3. That Starlink Services, LLC must submit evidence of its executed contractual agreement with a managed service provider or other third-party voice platform within 90 days of the entry of this Order after FCC approval of Starlink's long-form application and final authorization to receive RDOF support or this provisional Eligible Telecommunications Carrier designation is revoked.

b. 7. That, pursuant to the preserved authority set forth in the VoIP Freedom Act, Starlink Services, LLC shall submit a tariff for its qualifying voice service to the

³⁷ Petition at 5-6.

Commission's Bureau of Technical Utility Services but only for those local exchanges where standalone voice service remains a protected service under Chapter 30 of the Public Utility Code. This tariff filing is due within 120 days ~~of the entry of this Order~~ after FCC approval of Starlink's long-form application and final authorization to receive RDOF support.

c. 9. That Starlink Services, LLC shall file a Lifeline tariff for Lifeline services within 120 days ~~of the entry of this Order~~ after FCC approval of Starlink's long-form application and final authorization to receive RDOF support.

37. As Starlink will be aware of these requirements in advance of the applicable due dates, and can start working on compliance based on its long-form application, Starlink believes these deadlines are feasible.

V. REQUEST FOR STAY: STARLINK MEETS THE LEGAL STANDARD FOR A STAY PENDING DISPOSITION ON THE MERITS OF ITS REQUEST FOR RECONSIDERATION.

38. Starlink requests that the Commission stay enforcement of the deadlines in Ordering Paragraphs 3, 7 and 9 pending disposition of Starlink's request for reconsideration of those deadlines. For the reasons set forth below, Starlink satisfies all four elements of the *Process Gas* test for a stay.

39. The first element of the test is that the petitioner must make a strong showing that it is likely to prevail on the merits. Starlink respectfully submits that Paragraphs 12-37, *supra*, make a strong showing that Starlink is likely to prevail on the merits of its request for partial reconsideration.

40. The Commission has held that, in deciding whether to stay an order pending appeal, the focus should be on the effect the order will have pending appeal.³⁸ Granting the stay in the

³⁸ See *Duquesne Interruptible Complainants v. Duquesne Light Co.*, 1993 Pa. PUC LEXIS 83 *9 (which, like the instant case, involved a request for a stay pending Commission action on a Petition for Reconsideration).

instant case would mean that the Commission would not enforce the deadlines in Ordering Paragraphs 3, 7 and 9 while the Commission considers Starlink's petition for reconsideration. This would have the beneficial result of protecting Starlink's due process right to notice and an opportunity to be heard on those proposed deadlines. In contrast, if the Commission does not stay the deadlines in Ordering Paragraphs 3, 7 and 9, Starlink would be required to submit the requested information by the stated deadlines – unless the Commission first issues a decision on the merits of Starlink's reconsideration request. This raises the possibility that Starlink's request for reconsideration could be automatically denied simply by the Commission's failure to issue a decision on the merits of Starlink's reconsideration request before the expiration of the contested deadlines. The Commission should preserve the *status quo* until it addresses Starlink's request for reconsideration. Starlink has therefore satisfied the first element of the *Process Gas* test.

41. The second element of the *Process Gas* test is that the petitioner must show that it will suffer irreparable injury without the requested stay. An irreparable injury is one that cannot be compensated by damages.³⁹ As discussed above, if the Commission does not stay enforcement of the Order and consider Starlink's comments on the proposed deadlines, Starlink will be denied its due process right to notice of and an opportunity to comment on an important issue in this case. The denial of a constitutional right is an injury that cannot be compensated by damages, and so constitutes an irreparable injury.

42. The third element of the test is that the petitioner must show that the issuance of a stay will not substantially harm other interested parties in the proceedings. Starlink's Petition is uncontested. Consequently, the grant of a stay will not harm any other party to this proceeding.

³⁹ *Duquesne Interruptible Complainants, supra* *13.

43. The final element of the *Process Gas* test is that issuance of the stay will not adversely affect the public interest. The public interest will not be harmed if Starlink remains provisionally designated as an ETC, but does not submit additional information to the Commission, until the Commission issues a decision on the merits of Starlink's reconsideration request. As explained in greater detail above, Starlink is not obligated to begin providing service until after it has been authorized by the FCC to receive RDOF support, and thus will not be providing service to the public while its Petition for Reconsideration is pending.

VI. CONCLUSION

Wherefore, for the foregoing reasons, Starlink Services, LLC respectfully requests that the Pennsylvania Public Utility Commission:

(1) stay enforcement of the deadlines in Ordering Paragraphs 3, 7 and 9 pending disposition of Starlink's Petition for Partial Reconsideration of the Order entered in this matter on August 26, 2021;

(2) grant Starlink's Petition for Partial Reconsideration of the Order entered in this matter on August 26, 2021;

(3) direct Starlink to submit a status report regarding its long-form application every two months, beginning two months after entry of the Commission's order on reconsideration;

(4) modify Ordering Paragraph 3 as follows:

3. That Starlink Services, LLC must submit evidence of its executed contractual agreement with a managed service provider or other third-party voice platform within 90 days ~~of the entry of this Order~~ after FCC approval of Starlink's long-form application and final authorization to receive RDOF support or this provisional Eligible Telecommunications Carrier designation is revoked.

(5) modify Ordering Paragraph 7 as follows:

7. That, pursuant to the preserved authority set forth in the VoIP Freedom Act, Starlink Services, LLC shall submit a tariff for its qualifying voice service to the Commission's Bureau of Technical Utility Services but only for those local exchanges where standalone voice service remains a protected service under Chapter 30 of the Public Utility Code. This tariff filing is due within 120 days ~~of the entry of this Order~~ after FCC approval of Starlink's long-form application and final authorization to receive RDOF support.

(6) modify Ordering Paragraph 9 as follows:

9. That Starlink Services, LLC shall file a Lifeline tariff for Lifeline services within 120 days ~~of the entry of this Order~~ after FCC approval of Starlink's long-form application and final authorization to receive RDOF support.

Respectfully submitted,



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Dated: September 10, 2021

Counsel for *Starlink Services, LLC*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Starlink Services, LLC for Designation :
as an Eligible Telecommunications Carrier for : Docket No. P-2021-3023580
Purposes of Receiving Rural Digital Opportunities :
Fund Support :

AFFIDAVIT OF DAVID FINLAY

On this 10th day of September, 2021, before the undersigned Notary Public in and for the State of California, personally appeared David Finlay who, being duly sworn according to law, deposes and says that:

(1) I am the Senior Director, Finance of Space Exploration Technologies Corp., the parent company of Starlink Services, LLC (“Starlink”).

(2) I am familiar with Starlink’s long-form application to the Federal Communications Commission (“FCC”) for funding through the Rural Digital Opportunity Fund (“RDOF”) program.

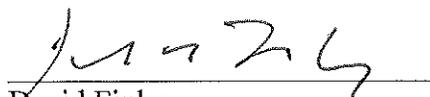
(3) Starlink initially submitted its long-form application to the FCC as required on January 29, 2021, with further submissions, consistent with the FCC’s deadlines, submitted by February 15, 2021 and June 7, 2021. On June 23, 2021, Starlink submitted additional required information regarding ETC status granted after June 7, 2021.

(4) Starlink’s RDOF application was one of 417 long-form applications submitted by 180 winning bidders in the RDOF auction.

(5) On July 26, 2021, the FCC announced that RDOF support for 48 companies was “ready to authorize,” initiating the final stage of document submission, consisting primarily of a letter of credit, before final authorization.

(6) This timeline shows that the FCC reviewed the long-form application of approximately 27% (48/180) of RDOF winners in approximately six months. As such, I do not expect the FCC to render a decision on Starlink's long-form application for several months.

Further, deponent saith not.


David Finlay

Subscribed and sworn to before me
this 10th day of September, 2021

Notary Public

See attached
California
Jurat

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

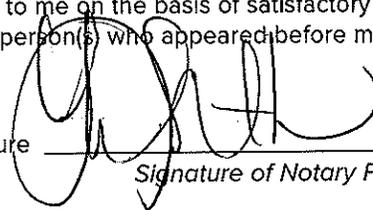
County of Los Angeles

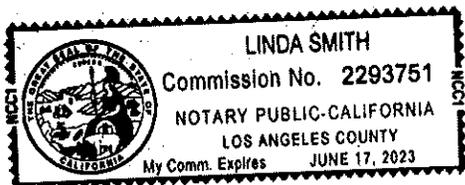
Subscribed and sworn to (or affirmed) before me on this 10 day of September, 2021, by
Date Month Year

(1) David Finlay

(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature 
Signature of Notary Public



Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit of David Finlay

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

VERIFICATION

I, R. Edward Price, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



September 10, 2021