

The Information Technology and Innovation Foundation appreciates the opportunity to comment on the Application of Kuiper Systems LLC for Extension or Waiver of the Milestone Deadline.¹ In evaluating the application, the Commission should seek an outcome that both enables the ongoing deployment of productive satellite constellations and protects the long-term integrity and reliability of FCC rules and processes. The Commission should resolve this application consistently with the policy vision embodied in its reforms to the satellite milestone and bond system as proposed in the Space Modernization Proceeding.²

While FCC policy should prevent unproductive spectrum warehousing, it should also evaluate whether a party is in fact engaged in such warehousing before taking blunt enforcement action, such as capping the size of a constellation. In this case, Amazon has developed and purchased a historic number of launches for satellites which will be able to provide connectivity in the United States and promote American leadership in the global space industry.³ It would not serve the public interest to cap these deployments now that they are getting underway.

Moreover, while some aspects of satellite launch are foreseeably difficult, the Commission should take notice of the ways in which the space industry as a whole is hampered by roadblocks beyond the control of any single operator. The scale of U.S. launches has grown exponentially in recent years, with larger rockets, more explosive rocket fuel, and an increased launch cadence. However, spaceports have not been adequately improved to handle modern launch needs.

Virtually all aspects of Cold War spaceports need improvement. To enable more frequent launch cadences and superheavy-lift rockets, federal facilities need upgraded wastewater treatment facilities, better roads for transporting rockets to launch pads, and enhanced payload processing centers.⁴ Additionally, launch

¹ Founded in 2006, ITIF is an independent 501(c)(3) nonprofit, nonpartisan research and educational institute—a think tank. Its mission is to formulate, evaluate, and promote policy solutions that accelerate innovation and boost productivity to spur growth, opportunity, and progress. ITIF’s goal is to provide policymakers around the world with high-quality information, analysis, and recommendations they can trust. To that end, ITIF adheres to a high standard of research integrity with an internal code of ethics grounded in analytical rigor, policy pragmatism, and independence from external direction or bias. For more, see: “About ITIF: A Champion for Innovation,” <https://itif.org/about>; Request to Extend or Waive Interim Milestone For The Amazon Leo Constellation, ICFS File Nos. SAT-MOD-20210806-00095, SAT-MOD-20260129-00065, Amazon Leo, January 30, 2026, (Application).

² Notice of Proposed Rulemaking, Space Modernization for the 21st Century, SB Docket No. 25-306, FCC, October 28, 2025, <https://docs.fcc.gov/public/attachments/FCC-25-69A1.pdf>.

³ Eric Burger, “Jeff Bezos and Amazon just hired everybody but SpaceX for Project Kuiper,” *Ars Technica*, April 5, 2022, <https://arstechnica.com/science/2022/04/amazon-signs-blockbuster-launch-deal-for-its-satellite-megaconstellation/>; Jeff Foust, “Amazon signs multibillion-dollar Project Kuiper launch contracts,” *Space News*, April 5, 2022, <https://spacenews.com/amazon-signs-multibillion-dollar-project-kuiper-launch-contracts/>; Jeff Foust, “Amazon buys 10 more Falcon 9 launches,” *Space News*, February 2, 2026, <https://spacenews.com/amazon-buys-10-more-falcon-9-launches/>; “Arianespace to launch first batch of Amazon Leo satellites with the first Ariane 64 on February 12, 2026,” *Arianespace*, January 15, 2026, <https://newsroom.arianespace.com/arianespace-to-launch-first-batch-of-amazon-leo-satellites-with-the-first-ariane-64-on-february-12-2026/>.

⁴ Ellis Scherer, “Policy Reforms to Launch US Space Innovation,” ITIF, January 2026, <https://www2.itif.org/2026-space-policy-reform.pdf>, at 16.

coordination among launch providers, satellite operators, federal agencies, and the military strains operational capacity at federal ranges, while creating bottlenecks that limit the productive use of those ranges.⁵

Despite these challenges, Amazon took steps toward its deployment milestones, including direct investment to update aging launch infrastructure and improve inefficient payload processing facilities, both of which are issues identified in ITIF's report on unleashing U.S. space innovation.⁶

At the same time, the processing-round framework depends on all operators having an incentive to set ambitious but achievable goals. The Commission has a range of options to vindicate this goal. These options include modification or cancellation of the license to the extent of undeployed capacity, forfeiture of the surety bond posted as a condition of authorization, preclusion of the licensee from applying for a replacement authorization covering the forfeited spectrum, and pushing undeployed satellites into a subsequent processing round.⁷ The Commission should be consistent in selecting a remedy that “offset[s] the incentives for inefficient warehousing behavior that are harmful to both competition and consumers and to encourage the rapid deployment of new spacecraft and the optimal utilization of scarce orbital and spectrum resources.”⁸ The Commission has defined warehousing as “the retention of preemptive rights to use spectrum and orbital resources by a licensee that does not intend to bear the cost and risk of constructing, launching, and operating an authorized space station or is not fully committed to doing so.”⁹ Furthermore, the Commission should take proposed changes to Part 25 rules into consideration while reviewing Amazon's extension request. Insofar as it has made policy decisions as to Part 100, the Commission should not take action in this proceeding that would conflict with them.¹⁰ Furthermore, a standardized processing round and revised surety bond structure both carry implications for how the Commission enforces the milestone requirements at the heart of this request.¹¹

Thank you for your consideration.

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⁵ Id. at 14.

⁶ Scherer at 16.

⁷ See Notice of Proposed Rulemaking Space Modernization for the 21st Century at 171 and 173.

⁸ See FNPRM at 19.

⁹ Further Notice of Proposed Rulemaking, Comprehensive Review of Licensing and Operating Rules for Satellite Services, IB Docket No. 12-267, FCC, September 30, 2014, <https://docs.fcc.gov/public/attachments/FCC-14-142A1.pdf> at 19, (FNPRM).

¹⁰ See Notice of Proposed Rulemaking Space Modernization for the 21st Century at 170 and 171.

¹¹ Id. at 25, 135, and 178.