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December 31, 2020

R. Edward Price, Esq., Senior Counsel
Space Exploration Technologies Corporation
1155 F Street, NW, Suite 475
Washington DC 20004

**Re: DT 20-208, Starlink Services, LLC
Request for Designation as an Eligible Telecommunications Carrier**

Dear Mr. Price:

On December 23, 2020, Space Exploration Technologies Corporation (SpaceX), on behalf of its wholly owned subsidiary, Starlink Services, LLC (Starlink), filed a letter with the Commission stating that the Federal Communications Commission (FCC) had recently announced SpaceX was a winning bidder in the FCC's recent Rural Digital Opportunity Fund (RDOF) auction. SpaceX assigned its right to receive RDOF funding to Starlink. Before it is eligible to receive RDOF funds, Starlink is required to seek designation as an Eligible Telecommunications Carrier (ETC) in New Hampshire. Starlink is seeking confirmation that the Commission lacks jurisdiction under state law to designate Starlink as an ETC.

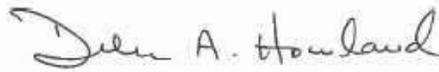
According to Starlink, it intends to offer satellite broadband internet access and Voice over Internet Protocol (VoIP) service to consumers in New Hampshire. Starlink asserts that, as a provider of only VoIP and Internet Protocol-enabled (IP-enabled) services, it is not subject to the Commission's regulatory jurisdiction, pursuant to RSA 362:7, II.

Although state commissions, such as the Commission, are the primary authorities for designating ETCs under 47 U.S.C. § 214(e), in cases where a provider's services are not subject to state jurisdiction, federal law authorizes the FCC to grant the ETC designation. *See* 47 U.S.C. § 214(e)(6). Accordingly, Starlink requested that the Commission issue a secretarial letter confirming that Starlink's designation as an ETC is not subject to the Commission's jurisdiction under state law.

On December 24, 2020, Commission Staff (Staff) filed a memorandum, in which it analyzed Starlink's request and the relevant jurisdictional issues. Staff recommended that the Commission issue a secretarial letter confirming that Starlink's designation as an ETC is not subject to the Commission's jurisdiction under New Hampshire law. Staff noted that, pursuant to RSA 362:7, II, providers of VoIP service or IP-enabled service are not public utilities, and the services they provide are not public utility services. VoIP service providers and IP-enabled service providers are subject only to the limited regulation specifically listed in RSA 362:7, III, which does not address market entry. Staff observed that such providers also may be subject to Commission assessment under RSA 363-A:2, I (d).

Based on Staff's analysis and recommendation, as summarized above, the Commission has determined that it lacks authority under New Hampshire law to designate Starlink as an ETC.

Sincerely,

A handwritten signature in black ink that reads "Debra A. Howland". The signature is written in a cursive style and is centered below the word "Sincerely,".

Debra A. Howland
Executive Director

cc: Service List (Electronically)
Docket File

Service List - Docket Related

Docket#: 20-208

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