



April 2, 2026

El Paso County, CO
Planning & Community Development and Pikes Peak Regional Building Department
(PPRBD)
Attn: Meggan Herington, Executive Director
2880 International Circle, Suite 110
Colorado Springs, CO 80910

VIA ELECTRONIC SUBMITTAL

RE: Building Permit Application for Satellite Earth Station Site Improvements
Site Address: 7113 Space Village Ave, Colorado Springs, CO 80929
APN: 5417001012
Zoning District: Industrial (I-3)
Starlink Project: Colorado Springs, CO GSN-2988

Dear Director Herington,

On behalf of Space Exploration Technologies Corp, we are pleased to submit this request for a building permit to install satellite earth station antennas (“SESAs”) at the above referenced address. This facility will enhance broadband internet in the area capable of supporting streaming, video calls and other connectivity needs. The Federal Communication Commission (“FCC”) has recognized the importance of satellite technology in expanding access to broadband services, and it has adopted rules to help accelerate deployment.

Please refer to Section 25.104 of the FCC rules, which preempts state and local restrictions on certain satellite earth stations.¹ Per Section 25.104, Federal regulation preempts “[a]ny state or local zoning, land-use, building, or similar regulation that materially limits transmission or reception by satellite earth station antennas or imposes more than minimal costs on users of such antennas” unless “the promulgating authority can demonstrate that such regulation is reasonable.” [47 CFR § 25.104\(a\)](#). This regulation further provides that “[a]ny state or local zoning, land-use, building, or similar regulation that affects the installation, maintenance, or use of a satellite earth station antenna that is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non-federal land-use regulation

¹ <https://www.ecfr.gov/current/title-47/chapter-I/subchapter-B/part-25/subpart-A/section-25.104>

shall be presumed unreasonable and is therefore preempted.” [Id. § 25.104\(b\)](#). A copy of the FCC rule is attached for your information.

The proposed SESAs are less than two meters in diameter, and the proposed installation area is zoned for commercial and industrial uses. Therefore, the preemption provision of Section 25.104(b) is applicable to the installation of the proposed satellite earth station antennas at 7113 Space Village Ave, Colorado Springs, CO 80929, which means that no discretionary zoning or land use regulations may be applied.

Accordingly, we respectfully request that, consistent with FCC rules, the County of El Paso and the Pikes Peak Regional Building Department process this application as a standard building permit, subject only to applicable building and safety codes.

The FCC requires that all authorizations related to SESAs must be completed within 90 days after filing. Based on a filing date of April 2nd, 2026, the projected deadline for a decision is July 1st 2026.

Our goal is to work collaboratively to secure timely approval of this permit. We are happy to respond promptly to any requests for clarification or additional information. Please let us know how we can support your review process.

We look forward to working with you on this important project to bring improved broadband service to your community.

Sincerely,



Liz Walker
Vice President of Land Use and Entitlements

Liz.walker@wirelesspolicy.com
303-264-7455

Enclosures: Building Permit Application
Attachments: Construction Drawings
47 CFR § 25.104

This content is from the eCFR and is authoritative but unofficial.

Title 47 –Telecommunication
Chapter I –Federal Communications Commission
Subchapter B –Common Carrier Services
Part 25 –Satellite Communications
Subpart A –General

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

§ 25.104 Preemption of local zoning of earth stations.

- (a) Any state or local zoning, land-use, building, or similar regulation that materially limits transmission or reception by satellite earth station antennas, or imposes more than minimal costs on users of such antennas, is preempted unless the promulgating authority can demonstrate that such regulation is reasonable, except that nonfederal regulation of radio frequency emissions is not preempted by this section. For purposes of this paragraph (a), reasonable means that the local regulation:
 - (1) Has a clearly defined health, safety, or aesthetic objective that is stated in the text of the regulation itself; and
 - (2) Furthers the stated health, safety or aesthetic objective without unnecessarily burdening the federal interests in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.
- (b)
 - (1) Any state or local zoning, land-use, building, or similar regulation that affects the installation, maintenance, or use of a satellite earth station antenna that is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non-federal land-use regulation shall be presumed unreasonable and is therefore preempted subject to paragraph (b)(2) of this section. No civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any regulation covered by this presumption unless the promulgating authority has obtained a waiver from the Commission pursuant to paragraph (e) of this section, or a final declaration from the Commission or a court of competent jurisdiction that the presumption has been rebutted pursuant to paragraph (b)(2) of this section.
 - (2) Any presumption arising from paragraph (b)(1) of this section may be rebutted upon a showing that the regulation in question:
 - (i) Is necessary to accomplish a clearly defined health or safety objective that is stated in the text of the regulation itself;
 - (ii) Is no more burdensome to satellite users than is necessary to achieve the health or safety objective; and
 - (iii) Is specifically applicable on its face to antennas of the class described in paragraph (b)(1) of this section.

- (c) Any person aggrieved by the application or potential application of a state or local zoning or other regulation in violation of paragraph (a) of this section may, after exhausting all nonfederal administrative remedies, file a petition with the Commission requesting a declaration that the state or local regulation in question is preempted by this section. Nonfederal administrative remedies, which do not include judicial appeals of administrative determinations, shall be deemed exhausted when:
- (1) The petitioner's application for a permit or other authorization required by the state or local authority has been denied and any administrative appeal and variance procedure has been exhausted;
 - (2) The petitioner's application for a permit or other authorization required by the state or local authority has been on file for ninety days without final action;
 - (3) The petitioner has received a permit or other authorization required by the state or local authority that is conditioned upon the petitioner's expenditure of a sum of money, including costs required to screen, pole-mount, or otherwise specially install the antenna, greater than the aggregate purchase or total lease cost of the equipment as normally installed; or
 - (4) A state or local authority has notified the petitioner of impending civil or criminal action in a court of law and there are no more nonfederal administrative steps to be taken.
- (d) Procedures regarding filing of petitions requesting declaratory rulings and other related pleadings will be set forth in subsequent Public Notices. All allegations of fact contained in petitions and related pleadings must be supported by affidavit of a person or persons with personal knowledge thereof.
- (e) Any state or local authority that wishes to maintain and enforce zoning or other regulations inconsistent with this section may apply to the Commission for a full or partial waiver of this section. Such waivers may be granted by the Commission in its sole discretion, upon a showing by the applicant that local concerns of a highly specialized or unusual nature create a necessity for regulation inconsistent with this section. No application for waiver shall be considered unless it specifically sets forth the particular regulation for which waiver is sought. Waivers granted in accordance with this section shall not apply to later-enacted or amended regulations by the local authority unless the Commission expressly orders otherwise.
- (f) A satellite earth station antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter or is located in Alaska is covered by the regulations in § 1.4000 of this chapter.

[61 FR 10898, Mar. 18, 1996, as amended at 61 FR 46562, Sept. 4, 1996]

Effective Date Note: At 61 FR 46562, Sept. 4, 1996, § 25.104 was amended by revising paragraph (b)(1) and adding paragraph (f). These paragraphs contain information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.