



March 27, 2018

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Subject:** *WC Docket No. 09-197  
Supplement to Hughes Network Systems LLC  
Petition for ETC Status in New York*

Dear Ms. Dortch:

On February 5, 2018, Hughes Network Systems LLC ("Hughes") submitted in this docket a petition for designation as an eligible telecommunications carrier ("ETC") in the State of New York in order to receive Connect America Fund ("CAF") Phase II support awarded via the New NY Broadband Program. In that petition, Hughes indicated that it was in the process of obtaining an affirmative statement from the State of New York that it lacks jurisdiction to designate Hughes as an ETC.

The affirmative statement from the State of New York is attached to this letter. Please associate this letter with the application.

Please direct any questions regarding this filing to the undersigned.

Sincerely,

/s/  
Jennifer A. Manner  
Senior Vice President, Regulatory Affairs

Attachment

cc (email): Ryan Palmer  
Alexander Minard



## Department of Public Service

### Public Service Commission

**John B. Rhodes**

Chair and

Chief Executive Officer

**Gregg C. Sayre**

**Diane X. Burman**

**James S. Alesi**

Commissioners

**Thomas Congdon**

Deputy Chair and

Executive Deputy

**Paul Agresta**

General Counsel

**Kathleen H. Burgess**

Secretary

Three Empire State Plaza, Albany, NY 12223-1350  
www.dps.ny.gov

March 16, 2018

### TO WHOM IT MAY CONCERN:

Re: Hughes Network Systems, LLC Wireless Jurisdiction

We have received a request from Hughes Network Systems, LLC, a provider of consumer satellite broadband services, requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over satellite broadband services for the purpose of making determinations regarding Competitive Eligible Telecommunications Carrier (CETC) designations under section 214(e)(6) of 47 U.S.C. In response to this request, please be advised that section 5(6)(a) of the New York State Public Service Law provides that:

Application of the provisions of this chapter to cellular telephone services is suspended unless the commission, no sooner than one year after the effective date of this subdivision, makes a determination, after notice and hearing, that suspension of the applications of provisions of this chapter shall cease to the extent found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstated under section 5(6)(a) of the Public Service Law.

March 16, 2018

Consequently, based on the representation by Hughes Network Systems, LLC that it provides satellite service, it would not be subject to New York State Public Service Commission jurisdiction for the purpose of making a CETC designation.

Sincerely,

A handwritten signature in cursive script that reads "Debra LaBelle".

Debra LaBelle  
Director  
Office of Telecommunications

cc: Hon. Kathleen Burgess, Secretary  
Ruvain Kudan, Office of Telecommunications  
Graham Jesmer, Assistant Counsel