



April 1, 2019

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, Fifth Report and Order, GN Docket No. 14-177; Hughes Network Systems, LLC, File Nos. SAT-LOA-20170621-00092, SAT-AMD-20170908-00128 & SAT-MOD-20190212-00011

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, Hughes Network Systems, LLC (together with its affiliates, “Hughes”) submits this *ex parte* letter summarizing its phone call with William Davenport, Chief of Staff and Senior Legal Advisor for Wireless and International to Commissioner Starks, on April 1, 2019, regarding the above-captioned proceedings. During the call, the undersigned, Jennifer A. Manner, Senior Vice President, Regulatory Affairs expressed Hughes’s support for the public draft of the *Spectrum Frontiers* Fifth Report and Order that is scheduled to be considered during the April 2019 Federal Communications Commission Open Meeting.¹ In particular, Hughes supports the Commission’s intent to adopt rules for Fixed-Satellite Service operations in the 50.4-51.4 GHz (“50 GHz”) band.²

As noted in the draft *Fifth Report and Order*, several satellite operators, including Hughes, have space station applications pending before the Commission that seek authority to operate in the 50 GHz band.³ The Commission has deferred action on this portion of the applications “until sharing between terrestrial and satellite operations in the band, as well as other uses of the band, are addressed in the context of the *Spectrum Frontiers Proceeding*.”⁴ The 50 GHz band is of particular importance to Hughes because it is constructing its Jupiter 3 space

¹ *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, Fifth Report and Order, GN Docket No. 14-177, FCC-CIRC1904-02 (Mar 22, 2019) (“*Fifth Report and Order*”).

² *Id.* ¶¶ 8-12.

³ *Id.* ¶ 11. See also Hughes Network Systems, LLC, Stamp Grant, IBFS File Nos. SAT-LOA-20170621-00092 & SAT-AMD-20170908-00128 (Mar. 20, 2018).

⁴ See *O3b Limited, Request for Modification of U.S. Market Access for O3b Limited’s Non-Geostationary Satellite Orbit System in the Fixed-Satellite Service and in the Mobile-Satellite Service*, Order and Declaratory Ruling, 33 FCC Rcd 5508, ¶ 32 (2018).

station and the associated gateway locations, all of which seek to operate in the 50 GHz band.⁵ With the planned 2021 launch of the Jupiter 3 space station, Hughes will deliver high speed broadband service, with speeds over 100 Mbps, to the United States and help bring the United States to the forefront of 5G development.⁶

The Commission has taken the critical step of placing the *Fifth Report and Order* on the tentative agenda for the April 2019 Open Meeting.⁷ Importantly, the Commission recognizes in the *Fifth Report and Order* that satellite “operators in this co-primary service seeking to proceed with system development need this degree of regulatory certainty and should not have to wait while the more complex issues associated with UMFUS licensing are addressed and resolved.”⁸ Hughes urges the Commission to adopt the *Fifth Report and Order* and to take swift action on the Jupiter 3 FSS space station application and pending modification as well as the associated gateway earth station. Decisive Commission action on Hughes’s applications will ensure the timely delivery of much needed broadband capacity over the United States and help to propel the United States forward in the race to 5G.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner

Senior Vice President, Regulatory Affairs

cc: William Davenport

⁵ Hughes Network Systems, LLC, File Nos. SAT-LOA-20170621-00092, SAT-AMD-20170908-00128 & SAT-MOD-20190212-00011; HNS License Sub, LLC, File Nos. SES-LIC-20170807-00876 *et seq.* Hughes’s proposed use of the 50 GHz band is consistent with the rules included in the draft *Fifth Report and Order* and no oppositions were filed in response to the space station or earth station applications.

⁶ U.S. Dep’t of Commerce & Office of Science and Technology Policy-The White House, *Driving the Space Commerce Through Effective Spectrum Policy*, at 6 (Mar. 2019), <https://www.commerce.gov/sites/default/files/2019-03/DrivingSpaceCommerce.pdf>. In addition, the European Union has highlighted that satellites are part of the 5G solution for years. See European Commission, Research & Standards, <https://ec.europa.eu/digital-single-market/en/research-standards> (last visited March 26, 2019); European Commission, *5G Vision: The 5G Infrastructure Public Private Partnership: the next generation of communication networks and services*, at 9 (Feb. 2015), <https://5g-ppp.eu/wp-content/uploads/2015/02/5G-Vision-Brochure-v1.pdf>.

⁷ News Release, FCC, *FCC Announces Tentative Agenda for April Open Meeting* (Mar. 22, 2019).

⁸ *Fifth Report and Order* ¶ 11.