

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Assessment and Collection of Regulatory Fees)	MB Docket No. 16-166
for Fiscal Year 2016)	
)	

**COMMENTS OF ECHOSTAR SATELLITE OPERATING CORPORATION AND
HUGHES NETWORK SYSTEMS, LLC**

EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, “EchoStar”) submit these comments in the Commission’s above-captioned proceeding regarding the proposed regulatory fees for Fiscal Year (“FY”) 2016.¹ In light of the streamlining of earth station reporting processes recently adopted as part of the Commission’s reform of its Part 25 rules, EchoStar urges the FCC to retain the same regulatory fee schedule for all earth stations licensed by the International Bureau.

I. BACKGROUND

EchoStar operates a fleet of 25 satellites in the Direct Broadcast Satellite (“DBS”) Service, the Fixed Satellite Service, and the Mobile Satellite Service, making it the largest U.S. geostationary satellite operator and the fourth largest in the world.² EchoStar is also the parent company of Hughes, which is the global leader in providing broadband satellite networks and services for enterprises, governments, small businesses, and consumers. Having pioneered the VSAT, Hughes is world’s leading provider of enterprise VSAT services and has built on this

¹ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2016*, MD Docket No. 16-166, Notice of Proposed Rulemaking, FCC 16-61 (rel. May 19, 2016) (“*Notice*”).

²² Under contract to DISH Network, EchoStar operates all of the space and earth station assets, as well as related customer equipment, necessary to serve nearly 14 million U.S. DBS customers.

expertise to bring high-speed satellite broadband services to consumers and small businesses across the United States. As a licensee of various earth stations, including VSAT antennas, mobile satellite earth stations, and transmit/receive and transmit-only antennas, EchoStar has a strong interest in the outcome of this proceeding.

II. DISCUSSION

In the FY 2016 Notice of Proposed Rulemaking, the FCC seeks comment on whether it should adopt different regulatory fees for different types of earth station licenses.³ As discussed below, in light of recent changes to the Commission's rules governing the administration of earth station authorizations under Part 25 of its rules, the FCC should retain its current policy of charging the same regulatory fees for all categories of satellite earth stations.

In the Commission's FY 2014 regulatory fee proceeding, the FCC assessed the regulatory fees paid by earth station licensees and increased this amount by approximately 7.5% based on its analysis and review of the record.⁴ In the following year, as part of the Commission's FY 2015 regulatory fee review, the FCC concluded that the issue of earth station regulatory fees required further analysis, in part because of the then-pending Part 25 proceeding, which could affect the distribution of FTE work.⁵ With the Part 25 proceeding concluded, the Commission now specifically seeks comment regarding the proposal, submitted by EchoStar as part of the FY

³ *Notice* at 21, 38.

⁴ *Assessment and Collection of Regulatory Fees for Fiscal Year 2014*, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 10767, 10772-73 ¶ 12 (2014).

⁵ One FTE, a "Full Time Equivalent" or "Full Time Employee," is a unit of measure equal to the work performed annually by a full time person (working a 40 hour workweek for a full year) assigned to the particular job, and subject to agency personnel staffing limitations established by the U.S. Office of Management and Budget. *Notice* at ¶ 3.

2015 proceeding, that the FCC consider adopting different regulatory fees for different types of earth station licenses.⁶

Since EchoStar submitted the proposal that the Commission examine whether different earth stations merit different regulatory fees, the FCC adopted reforms that revised and streamlined the reporting process for satellite earth stations.⁷ In the December 2015 *Part 25 Order*, the Commission updated the regulatory requirements for International Bureau licensees, and notably eliminated the annual reporting requirement for blanket FSS earth station licenses in the 20/30 GHz bands previously required by Part 25.145(f)(2) of the Commission's rules.⁸ By adopting this regulatory reform, the Commission simultaneously addressed an unequal reporting burden for 20/30 GHz licensees and reduced the administrative burden on FCC staff for administering these licensees.

Regulatory fees for earth stations should be proportionate to the costs of administering those stations. As a result of the Commission's Part 25 reforms, all satellite earth station licenses will impose the same, minimal, administrative burden on FCC staff. For this reason, the Commission should maintain its current policy of imposing the same regulatory fee on all satellite earth station licenses.

⁶ *Id.*, citing Letter from Jennifer A. Manner, Vice President, Regulatory Affairs, EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, MD Docket Nos. 15-121 and 14-92 at 2 (filed July 20, 2015) (asking that the Commission, in determining regulatory fees for earth stations, examine whether different types of earth stations would warrant different regulatory fees).

⁷ *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713 (2015) ("*Part 25 Order*").

⁸ *Id.* at ¶ 326.

III. CONCLUSION

Recent reforms to the Commission's Part 25 rules have eliminated any disparity between the costs of administering various types of satellite earth station licenses. As a result, EchoStar urges the Commission to maintain its existing policy of charging the same regulatory fee for all satellite earth stations.

Respectfully submitted,

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