



July 6, 2017

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re:    *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, et. al.*, GN  
Docket No. 14-177, IB Docket No. 15-256, WT Docket No. 10-112, and IB  
Docket No. 97-95**

Dear Ms. Dortch:

EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, “EchoStar”) hereby respond to the recent *ex parte* letter submitted in the above referenced proceedings on behalf of a group of rural LMDS operators in opposition to the suggestions by EchoStar and other satellite operators for revisions to the rules for deploying earth stations operating in the 27.5-28.35 GHz (“28 GHz”) band.<sup>1</sup> Because many of the arguments made in this latest submission are similar to those made in a previous *ex parte* filing by the Competitive Carriers Association, the satellite operators’ prior rebuttal need not be repeated here.<sup>2</sup> Rather, EchoStar would like to make two additional points.

First, the rural LMDS operators refer derisively to “satellite service providers with unproven ‘big plans’” to use 28 GHz spectrum to provide broadband services.<sup>3</sup> Apparently, they are unaware that EchoStar alone uses 28 GHz individually licensed earth stations, each supporting service to tens of thousands of customers yet each expected to have a *de minimis* effect on terrestrial networks,<sup>4</sup> as an integral part of a broadband satellite network that provides advanced broadband services to over one million subscribers in North America. Moreover, that network continues to grow. EchoStar recently launched a new satellite (Jupiter 2) to support HughesNet Gen5, the first and only U.S. satellite Internet service to offer FCC-defined broadband speeds – 25 Mbps download and 3 Mbps upload – from coast-to-coast, which

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<sup>1</sup> Letter from Donald L. Herman, Jr. to Marlene H. Dortch, GN Docket No. 14-177, *et al.* (June 29, 2017) (“Rural LMDS Letter”).

<sup>2</sup> See Letter from Audrey L. Allison, *et al.* to Marlene H. Dortch, GN Docket No. 14-177, *et al.* (May 9, 2017).

<sup>3</sup> Rural LMDS Letter at 3.

<sup>4</sup> See, e.g., *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, et al.*, 31 FCC Rcd. 8014, ¶ 45 (2016) (“*Spectrum Frontiers Order*”) (“FSS earth stations in the 28 GHz band can share the band with minimal impact on terrestrial operations”).

garnered over 100,000 subscribers in the first two months.<sup>5</sup> EchoStar and other satellite providers have made significant investments in the use of the 28 GHz band to design, construct, and launch the infrastructure needed to bring robust broadband capabilities to all Americans, including those in rural and other underserved areas.

Second, precisely because satellite broadband services present a direct competitive challenge to terrestrial operators – especially in rural areas – the Commission must be vigilant against attempts to use regulatory processes to stifle the ability of satellite operators to continue to provide this vital competition. The Commission specifically found that “it is in the public interest to create rules that allow for continued and expanded sharing between terrestrial operations and FSS earth stations in the 28 GHz band.”<sup>6</sup> It should be open to revisions to its rules that better promote that objective and thereby ensure that valuable spectrum resources are put to intensive use to bring advanced services to American consumers.

Respectfully submitted,

*/s/ Jennifer A. Manner*

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<sup>5</sup> See Press Release, “HugheNet Gen5 Surpasses 100,000 Subscribers in Just Two Months” (June 5, 2017), available at <http://echostar.com/Press/Newsandmedia/HughesNet%20Gen5%20Surpasses%20100000%20Subscribers%20In%20Just%20Two%20Months.aspx>.

<sup>6</sup> *Spectrum Frontiers Order*, ¶ 45.