



August 8, 2019

By Electronic Filing

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

Re: Oral *Ex Parte* Presentation
IB Docket No. 16-131

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, “EchoStar”) submit this notice of an *ex parte* meeting on August 7 in the above-referenced proceeding. Specifically, Jennifer Manner and Bristol Gunderson of EchoStar, along with Phuong Pham, its outside counsel, met with the following International Bureau staff (in person or, as indicated by (*), by telephone) to discuss the attached talking points: Jose Albuquerque, Kerry Murray, Stephen Duall, Karl Kensinger(*), Clay DeCell(*), Kathryn Medley(*), and Paul Blais(*).

Please direct any questions regarding this matter to the undersigned.

Respectfully Submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner
Senior Vice President, Regulatory Affairs

Attachment

cc:	Jose Albuquerque	Clay DeCell
	Kerry Murray	Kathryn Medley
	Stephen Duall	Paul Blais
	Karl Kensinger	



INCREASING REGULATORY CERTAINTY AND FLEXIBILITY FOR SATELLITE OPERATIONS
Further Streamlining Part 25 Rules Governing Satellite Services (IB Docket No. 16-131)

- As satellites increase in importance in providing critical communications services across the United States for public safety and disaster response, broadband, 5G, the Internet of things, and other applications, it is important that operators have regulatory certainty and flexibility to deploy their networks as needed to meet consumer and government needs, hence reducing costs and time for deployment and increasing innovation. Further streamlining of the Part 25 rules remains critical to eliminating regulatory barriers to investments in existing and new satellite networks and technologies.
- The FCC should revise the Part 25 rules to eliminate unnecessary, unduly burdensome regulatory requirements, including rules imposing unequal burdens on satellite providers and placing them at a competitive disadvantage with respect to terrestrial and other service providers. The FCC also should offer regulatory certainty and flexibility comparable to that afforded by other administrations, and further strive to make the United States a more attractive administration for licensing and regulating satellite operations.
- Specifically, the FCC should further streamline its Part 25 licensing and service rules, as follows:
 - (1) *Adopt a unified licensing option for space and earth stations within the same geostationary orbit (“GSO”) network*
 - The record reflects broad support for optional unified licensing for all GSO networks, including fixed satellite service (“FSS”) and non-FSS in any authorized frequency bands. Intelsat’s proposal requiring a further notice prior to adopting any GSO network licensing rules is unsupported by the record, would result in unnecessary delay, and should be rejected.
 - (2) *Revise buildout requirements*
 - The record reflects broad support for aligning buildout requirements for gateway and other earth stations with the launch milestone for a GSO satellite authorized to operate in the same network.
 - Accordingly, the FCC should revise buildout requirements for earth stations authorized under unified network or other licenses to allow a buildout period corresponding to the longer of the following: (i) the five-year milestone period required for a GSO satellite in the same network; or (ii) a one-year period following grant of the earth station license.
 - The FCC should reject Intelsat’s proposal to impose bond requirements on unified-licensed earth stations, by either extending existing space station bond requirements to cover earth station buildout or establishing separate bond requirements.

- As Viasat notes, Intelsat's concerns that extending the existing one-year earth station buildout period would create potential warehousing opportunities are unfounded. No such warehousing concerns have been raised with respect to licensees allowed under existing FCC rules to deploy earth stations over the course of at least one year, together with additional periods of extension for good cause, without posting a bond.
- Because earth stations are licensed to use the same spectrum authorized for GSO satellites operating in the same network, imposing bond requirements on earth stations would be duplicative and unnecessary, as existing space station bond requirements are intended to ensure timely use of the same spectrum.

(3) Allow additional flexibility to cure application deficiencies and expedite application processing:

- The record reflects broad support for EchoStar's proposals to: (i) allow applicants to cure any application deficiencies within 60 days of an FCC request; and (ii) require automatic acceptance (and public notice) of an application for filing within 30 days of filing, unless the FCC determines otherwise.
- The proposed 60-day cure period is merely a codification of existing International Bureau practice affording applicants an opportunity to correct errors or omissions identified by FCC staff.
 - Intelsat's and SES/O3b's gamesmanship concerns that a 60-day cure period would allow filing woefully incomplete applications as placeholders are unfounded, as the FCC is not precluded from rejecting an application for any deficiencies remaining after the 60-day cure period.
 - Moreover, GSO satellite applicants already have the option to establish a position in the FCC's first-come, first-served processing queue by filing substantially streamlined information, consisting of a draft ITU coordination request filing and a simplified Form 312 (Main Form), under the FCC's optional two-step application process. The availability of such an option thus mitigates Intelsat's and SES/O3b's speculative concerns that GSO satellite applicants would rush to secure priority in the FCC's first-come, first-served processing queue by purposely filing woefully deficient single-step applications.
- SES/O3b's and Viasat's concerns that the proposed 30-day automatic acceptance rule would unduly constrain FCC staff from conducting thorough application reviews are unfounded.
 - Contrary to SES/O3b's mischaracterization, the proposed 30-day automatic acceptance rule is not a "hard and fast limit" on FCC staff's review of an application. In fact, as Viasat acknowledges, the proposed rule allows FCC flexibility to determine that an application requires further review and thus may not be automatically accepted for filing.
 - Contrary to Viasat's argument, the flexibility afforded under the proposed 30-day automatic acceptance rule would not render the proposed rule meaningless. FCC staff would be required to provide an affirmative determination within the 30-day period for any application deemed to require further review. This allows an earlier opportunity for



applicants to assess the prospects (and timing) of favorable FCC action on their filings, as well as to address issues that may require further review.

(4) Eliminate Section 25.170's annual reporting requirements

- The record reflects broad support for eliminating Section 25.170's annual reporting requirements as duplicative and unnecessary.

(5) Update out-of-band emission ("OOBE") limits

- The record reflects broad support for FCC proposal to replace Section 25.202(f)'s OOBE limits with ITU Recommendation SM.1541-6.

(6) Eliminate notification requirements for minor earth station modifications

- The record supports the FCC proposal to eliminate notification requirements for minor earth station modifications under Sections 25.118(a)(1)-(3) (*i.e.*, adding blanket-licensed remote terminals, changing to common carrier status, and changing satellite points of communication within a coordinated range) and Section 25.118(a)(4) (*i.e.*, other changes that do not increase power, add frequencies, change polarization, increase antenna height, or repoint antenna beyond a coordinated range). The FCC should also allow an option to file notification of such minor modifications at any time to help ensure interference protection of any modified earth station operations.