

August 10, 2015

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

Re: Comprehensive Review of Licensing and Operating Rules for Satellite Services,
IB Docket No. 12-267

Dear Ms. Dortch,

This letter responds briefly to the EchoStar/Hughes (“EchoStar”) August 4th *ex parte* concerning the Federal Communications Commission’s (“FCC”) two-degree rules in the above referenced proceeding.¹ EchoStar would keep the existing two-degree spacing rules; Intelsat proposed to modify or, preferably, eliminate them.² Intelsat herein addresses only a single EchoStar allegation: that the two-degree spacing policy encourages new entrants and competition, while the alternative treaty-based International Telecommunication Union (“ITU”) system “will limit the ability of new entrants to enter the market, retarding competition in the marketplace.”³

In reality, the reverse is true. ITU coordination procedures apply over the coverage areas of most satellite beams. During the last decade or so, numerous new entities have become satellite operators—almost all outside the United States. As the Satellite Industry Association—of which EchoStar is a member—recently observed:

[O]ne of the trends seen in the industry is market entry by new national operators, particularly in emerging markets such as Asia-Pacific, Africa and the Middle East, and Latin America, providing additional competition.⁴

In contrast, the number of geostationary satellites that have been licensed by the FCC to operate in unplanned locations with previously unoccupied frequencies in the past few years can be counted on one hand—and all of these belong to established operators.

¹ EchoStar/Hughes letter to Marlene H. Dortch, IB Docket No. 12-267 (filed Aug. 4, 2015) (“EchoStar *Ex Parte*”).

² See Comments of Intelsat License LLC, IB Docket No. 12-267 at 19-29 (filed Jan. 29, 2015); Reply of Intelsat License LLC, IB Docket No. 12-267 at 5-8 (filed Mar. 2, 2015).

³ EchoStar *Ex Parte* at 2.

⁴ Satellite Industry Association Comments on Fourth Report to Congress on Status of Competition in the Provision of Satellite Services, at 5, IB Docket No. 14-229 (filed Feb 6, 2015). See also *id.*, Annex.

Ms. Marlene H. Dortch
August 10, 2015
Page 2

It therefore hardly seems as if the ITU's processes are hindering new entrants seeking to provide communications satellite services. To the contrary, ITU coordination procedures facilitate market entry because they require good faith negotiations between sovereigns/operators—even by the senior rights holder.

Contrary to EchoStar's assertions, relying on the well-established ITU coordination process—instead of two-degree spacing—would help, not hurt, satellite competition in that it would allow U.S. licensees to better meet the demand for services utilizing small antennas, such as mobility services.

Very truly yours,

/s/ Susan H. Crandall

Susan H. Crandall
Associate General Counsel
Intelsat Corporation