

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 0, 1, 2, 15 and 18 of the Commission’s Rules Regarding Authorization of Radiofrequency Equipment)	ET Docket No. 15-170
)	
Request for the Allowance of Optional Electronic Labeling for Wireless Devices)	RM-11673

**COMMENTS OF ECHOSTAR TECHNOLOGIES AND HUGHES NETWORK
SERVICES**

EchoStar Technologies LLC (“ETC”) and Hughes Network Services, LLC (“Hughes”) (collectively, “EchoStar”) submit these comments in response to the *Notice of Proposed Rulemaking* (“NPRM”) in the above-captioned proceeding.¹ EchoStar supports the Commission’s goal of updating its rules governing the evaluation and approval process of radiofrequency (“RF”) devices to “keep pace with the accelerating introduction of an ever-expanding breadth of devices and products into the marketplace.”² Yet, as the *NPRM* correctly acknowledges, the FCC’s equipment authorization program is a primary means of ensuring that RF devices operating in the United States do not cause harmful interference and otherwise comply with FCC rules.³ Accordingly, in this rulemaking, it is imperative that the Commission balance its desire to streamline and update its equipment authorization rules with the need to protect against harmful interference.

¹ See *Amendment of Parts 0, 1, 2, 15 and 18 of the Commission’s Rules Regarding Authorization of Radiofrequency Equipment*, Notice of Proposed Rulemaking, 30 FCC Rcd 7725 (2015) (“NPRM”).

² See *id.* ¶ 1.

³ See *id.* ¶ 2.

Based on this balancing of goals, and as more fully discussed below, EchoStar supports:

- (i) unifying the Declaration of Conformity (“DoC”) and verification procedures into a single self-approval process;
- (ii) codifying the certification procedures that have been adopted by the Office of Engineering and Technology (“OET”) to allow protection of confidential information for short-term periods of up to 180 days without requiring multiple extensions; and
- (iii) streamlining the Part 2 importation rules to eliminate the FCC Form 740 filing requirement.

I. BACKGROUND

EchoStar has significant experience in the telecommunications equipment market and thus a substantial interest in supporting the Commission’s efforts to update its equipment authorization rules. Both Hughes and ETC are wholly owned subsidiaries of U.S.-based EchoStar Corporation, the fourth largest commercial geostationary satellite operator in the world and the largest U.S.-based satellite Internet provider.

As a global leader in providing broadband satellite networks and services for enterprises, governments, small businesses, and consumers, Hughes continues to develop innovative equipment for the world’s communications market. Hughes pioneered the development of very small aperture terminals (“VSATs”) and today remains the world’s leading provider of enterprise VSAT services.⁴ Hughes’ VSATs contain integrated solutions for digital signage, video streaming, and content distribution.⁵ Hughes also designs and develops a wide range of mobile satellite systems terminals. For instance, the Hughes 9211-HDR is a broadband global area network (“BGAN”) terminal, which provides mobile satellite connectivity under the harshest

⁴ See Hughes, <http://www.hughes.com/technologies> (last visited Oct. 9, 2015).

⁵ See Hughes, VSAT System Solutions, <http://www.hughes.com/technologies/satellite-systems/vsat-system> (last visited Oct. 9, 2015).

conditions and is ideal for first responders, mobile healthcare, and public safety.⁶ Additionally, Hughes' broadband appliances, such as the HR4700 Branch Gateway, are easy to deploy and provide enterprise-grade security, routing, broadband optimization technology, and many other services.⁷

ETC significantly contributes to the global communication market by designing, developing, and distributing set-top boxes. Notably, ETC's high-definition set-top boxes allow subscribers of multi-channel video distribution services to access enhanced picture and sound quality.⁸ In addition, ETC develops several different set-top box models containing interactive applications (*e.g.*, games and shopping), digital video recorders, and "Slingbox" functionality, which gives consumers the ability to control their digital television content anywhere in the world via broadband Internet connection.⁹ ETC also continues to design and develop related products such as satellite dishes and remote controls.¹⁰

II. THE FCC SHOULD SUBSTANTIALLY UNIFY SELF-APPROVAL PROCEDURES

EchoStar generally supports the Commission's proposal to unify Declaration of Conformity ("DoC") and verification self-approval procedures into a single self-approval process called the "Supplier's Declaration of Conformity" ("SDoC").¹¹ This approach will reduce

⁶ See News Release, Hughes, *Hughes Announces 9211-HDR Portable BGAN Terminal for Inmarsat's High Data Rate Service* (Sept. 9, 2014), <http://www.hughes.com/resources/hughes-announces-9211-hdr-portable-bgan-terminal-for-inmarsats-high-data-rate-service>.

⁷ See Hughes, HR4700 Branch Gateway, <http://www.hughes.com/technologies/broadband-appliances/hr4700-branch-gateway> (last visited Oct. 9, 2015).

⁸ See EchoStar, Annual Report (Form 10-K) (Feb. 20, 2015), http://files.shareholder.com/downloads/SATS/326451811x0x817010/92F2460B-F4A3-4FCC-B308-EB6719F033F3/14-26541-1_229403_web.pdf.

⁹ See *id.* at 1.

¹⁰ See *id.*

¹¹ See *NPRM* ¶ 24.

administrative burdens and provide greater clarity as to the self-approval process that would apply to any given device. EchoStar agrees that circumstances have changed since the Commission last considered, and rejected, combining the DoC and verification procedures in 1998.¹² As correctly noted in the *NPRM*, since then significant testing expertise and capabilities for devices subject to DoC have developed over time, along with public acceptance of self-approval procedures.¹³

EchoStar, however, has concerns regarding the FCC's proposal to eliminate the mandatory use of an accredited laboratory for testing of all self-approved equipment.¹⁴ Although the FCC's proposed elimination of the accredited laboratory requirement is consistent with the existing verification procedures and could offer cost benefits for manufacturers of devices currently subject to the DoC procedures, it would open the door for laboratories of lesser capabilities and proficiencies to conduct testing on a larger number of RF devices with a greater potential to cause harmful interference.

Currently, the types of devices subject to the DoC procedures (which require testing by an accredited laboratory) include consumer devices such as personal computers, microwave ovens and other consumer industrial, scientific, and medical ("ISM") equipment that have been considered potential threats of interference in consumer settings.¹⁵ In contrast, the types of devices currently subject to the verification procedures (which do not require testing by an accredited laboratory) include non-consumer ISM equipment and business computers, which

¹² *See id.* ¶ 25.

¹³ *See id.*

¹⁴ *See id.* ¶¶ 26, 31.

¹⁵ *See* 47 C.F.R. §§ 15.101(a), 18.203(b).

generally are not a threat to consumer devices.¹⁶ Thus, the FCC's proposal would eliminate the accredited laboratory requirement for a vast number of widely used consumer devices that have a higher risk of harmful interference to other consumer and non-consumer devices.¹⁷ In the absence of any record showing that the accredited lab requirement poses a material burden, the Commission should not eliminate that requirement for devices currently subject to DoC equipment authorization.

III. THE COMMISSION SHOULD PROVIDE FOR 180-DAY SHORT-TERM CONFIDENTIALITY

EchoStar further supports the proposed codification of the FCC's short-term confidentiality procedure for certain information contained in certification applications.¹⁸ However, the FCC's proposal to allow merely an initial 45-day period of confidentiality with serial 45-day extensions up to 180 days is administratively burdensome and unnecessary.¹⁹ Rather, the Commission should allow an initial short-term confidentiality period of 180 days, thus avoiding any need for manufacturers to seek multiple extensions up to 180 days. Because confidentiality automatically ends when the device is marketed to the public or the 180-day limit is reached, it is unnecessary to limit the initial short-term confidentiality period to merely 45 days. The FCC's proposal to require multiple extensions up to 180 days would cause additional work for manufacturers and could add even more delays to a certification process that often includes unexpected delays.

¹⁶ *See id.* § 18.203(b)

¹⁷ To the extent the Commission permits self-approval testing by non-accredited labs, it should, at a minimum require the lab for a period of five years to maintain all applicable calibration records, training and qualification records for all personnel engaged in testing, and submit to Commission audits. The SDoC should be required to identify the laboratory that conducted the compliance testing. And, finally, the Commission should maintain a public database of complaints regarding non-compliant devices and identifying the applicable testing laboratory.

¹⁸ *See NPRM* ¶ 84.

¹⁹ *See id.*

IV. THE FCC SHOULD STREAMLINE ITS IMPORTATION RULES

EchoStar supports the FCC's proposal to streamline its importation rules by eliminating the requirement that importers file FCC Form 740 with Customs and Border Protection ("CBP") for RF devices that are imported into the United States.²⁰ As the *NPRM* notes, much of information required to be disclosed on FCC Form 740 is already routinely collected by CPB in its routine information collection for all imported goods.²¹ Thus, the FCC Form 740 filing requirement is largely duplicative, unnecessary, and administratively burdensome.

The Commission, however, should coordinate with CBP to ensure that elimination of the FCC Form 740 filing requirement will not inadvertently create additional regulatory burdens for RF device importers. Most importantly, the Commission and CBP should work together to assure that upon elimination of FCC Form 740 filings, compliance with CBP's existing routine information collection requirements will be sufficient to permit import of RF devices.

V. CONCLUSION

Based upon the foregoing, EchoStar urges the Commission to continue its efforts to streamline and update the equipment authorization rules to keep pace with RF manufacturing developments while ensuring sufficient interference protection for all RF devices.

Respectfully submitted,

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²⁰ *See id.* ¶ 120.

²¹ *See id.* ¶ 119.