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HUGHES
NETWORK SYSTEMS

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 28, 2002

EX PARTE

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals Building
445 12th Street, SW TW-A325
Washington, D.C. 20554

Re: ET Docket 01-278
RM-9375; RM-10051

Dear Ms. Dortch:

On May 28, 2002, Paul Gaske, Robert Kepley, and Joslyn Read of Hughes Network Systems, Inc. and John Janka counsel for HNS from Latham & Watkins, met with Commissioner Kathleen Abernathy and Bryan Tramont concerning the above-referenced proceeding. The attached document and HNS' positions of record in this proceeding formed the basis for the discussion.

Sincerely,

/s/ Joslyn Read

Joslyn Read
Assistant Vice President
Regulatory & International Affairs

Attachment

cc: Commissioner Abernathy
Bryan Tramont

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List ABCDE

Corporate Offices
11717 Exploration Lane
Germantown, MD 20876
Tel: (301) 428-5500
www.hns.com

HUGHES
NETWORK SYSTEMS

Part 15 NPRM on Radar Detector Interference

Hughes Network Systems

Paul Gaske, Robert Kepley, Joslyn Read

HNS Overview

HUGHES NETWORK SYSTEMS

HNS is the world's premier provider of broadband satellite services, products and network solutions

- Hughes Network Systems, a subsidiary of Hughes Electronics Corporation, is the world's largest provider of broadband satellite network solutions for businesses and consumers.
- Over 500,000 VSAT systems installed in more than 85 countries - more than half of which are in the USA.
- HNS pioneered the development of high-speed satellite Internet access services, marketed globally under DirecPC® and DIRECWAY® brands.
- Revenues in 2001: $1.3 billion.
- Headquartered in Germantown, MD, with a major facility in San Diego, CA, and more than 30 facilities and sales offices worldwide, HNS employs over 4,400 people in engineering, operations, marketing, sales, and support.
- HNS operates manufacturing facilities in Maryland; the U.K.; and Mexico.

Innovator of Broadband Services, Products, and Network Solutions

HUGHES NETWORK SYSTEMS

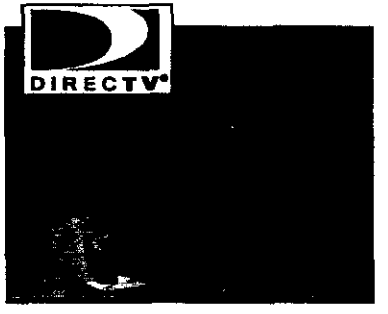
1983

Invention of first VSAT

1990

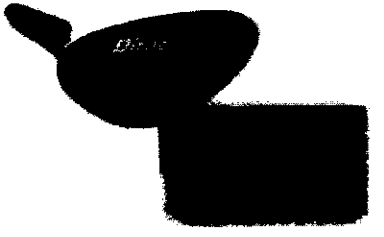
First Mesh VSAT (PES™)

1994



DIRECTV®

1995

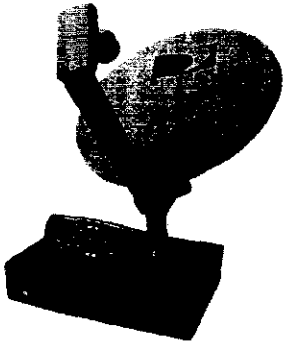


DirecPC®
Dial Return Service

1999

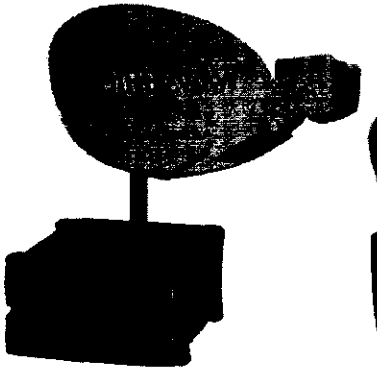
DirecDuo™

2000



Shipped 8,000,000th
DIRECTV Set-Top box

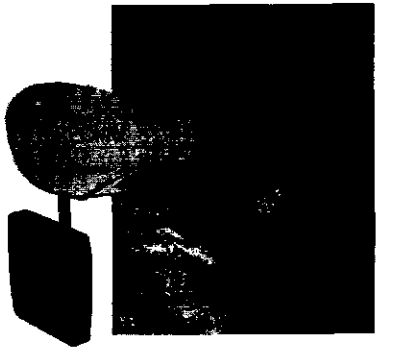
2001



DIRECWAY®
Satellite Return Service

2003

SPACEWAY



Next Generation Ka-band
Broadband

Corporate VSAT Services

HUGHES NETWORK SYSTEMS

- **VSATs provide networking services to every sector of the American economy:**
  - **Oil and gas**
    - HNS has more than 40,000 gasoline retail locations under contract today
  - **Financial services**
  - **Shipping**
  - **Merchandising**
  - **Telecommunications**
  - **Law enforcement**
  - **Local, state and federal governmental agencies**
- **VSAT services are provided today in C and Ku Bands under primary FSS allocation**
  - **VSATs operate pursuant to earth station licenses issued by the Commission**
- **Licensed operators and customers have legitimate expectation of protection from harmful interference**

Current Regulation of Radar Detectors

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- Radar detectors as Part 15 devices are required to operate on a non-interference basis
- Radar detectors are exempted from emissions limits in Section 15.109 by Section 15.101(b)
  - Impractical and difficult to enforce existing part 15 non-interference rules against consumers who operate radar detectors
- General Section 15.109 Emissions Limit - - *but not Radar Detectors*
  - 500 microvolts/meter measured at a distance of 3m for frequencies above 960 MHz
- FCC issued NPRM in October 2001 to resolve this radar detector interference problem and subject these devices to Part 15 emissions limits

The Radar Detector Interference Problem

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- **Radar detectors produce harmful interference into licensed VSAT operations**
  - **Interference events increasing**
  - **New radar detectors active in more bands above 960 MHz**
  - **Levels emitted are above 100,000 microvolts/meter measured at a distance of 3 meters**

- **Commercial impact of this interference is significant**
  - **For Customers: Credit card and billing transactions may be rendered non-operational**
  - **For Satellite and Network Operators: Current and prospective customers are concerned about continued viability of VSAT services**

Necessary Solution

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- **Regulate emission levels of radar detectors**
  - ***Need to establish emissions limit of 85 microvolts/ meter measured at 3 meters for radar detectors operating between 10.7-12.7 GHz***
  - ***Subject radar detectors operating in other frequency ranges above 30 MHz to the relevant emission limits of 15.109(a)***
- **Require all radar detectors to comply with the new emission limits immediately**
  - ***Apply new regulation to all radar detectors not yet sold***
  - ***Impose compliance on radar detectors already in circulation through trade-in programs or other mechanisms***

Conclusion

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- Record is complete with uncontroverted showings of harmful interference caused to VSATs by radar detectors
- Need urgent action by FCC to establish rule for radar detectors with immediate effect
  - For radar detectors operating between 10.7-12.7 GHz,
    - Regulate emissions levels of radar detectors at level of 85 microvolts/meter measured at 3 meters
  - For radar detectors operating in other frequency ranges above 30 MHz,
    - Apply the relevant emissions limits of 15.109(a)
- Impose new regulation on all existing and future radar detectors