

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Unlicensed Operation in the TV Broadcast Bands)	ET Docket No. 04-186
)	
Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band)	ET Docket No. 02-380
)	
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REPLY COMMENTS OF EHOSTAR SATELLITE L.L.C.

EchoStar Satellite L.L.C. (“EchoStar”) supports strongly the Federal Communications Commission’s (“Commission”) efforts to facilitate the introduction of new low power devices in the broadcast television spectrum.¹ Additional spectrum for competitive and ubiquitous broadband services is critical, and this proceeding provides a clear opportunity for Commission action. EchoStar, therefore, supports those commenters – including a wide cross-section of high-tech industry and consumer groups – seeking the robust use of the TV band spectrum.²

As a Multichannel Video Programming Distributor, EchoStar also has a vested interest in ensuring that MVPDs are able to operate existing equipment without harmful interference from the new devices. In finding the appropriate balance between broadcasters, MVPDs, and low power device operators, the Commission should ensure that any restrictions on the low power device operators’ operational flexibility is narrowly

¹ See *Unlicensed Operation in the TV Broadcast Bands*, First Report and Order and Further Notice of Proposed Rulemaking, FCC 06-156 (2006).

² See, e.g., Comments of Dell Inc., *et al*, ET Docket No. 04-186 (Jan. 31, 2007); Comments of New America Foundation, *et al*, ET Docket No. 04-186 (Jan. 31, 2007).

tailored and directly related to a quantifiable interference concern. In this regard, EchoStar supports the Commission's proposal to exclude low power devices from operating on TV channels 2-4 until further study can be done to ensure that interference concerns are addressed fully. *Notice*, ¶ 57 (highlighting interference to TV interface devices, e.g., set-top boxes). In particular, the channel 2-4 concerns raised by the National Cable and Telecommunications Association ("NCTA") warrant close Commission scrutiny.³

Further, EchoStar supports the Commission's decision to permit the marketing of low power devices in February 2009. *Notice*, ¶ 22. In order to provide interested parties with sufficient time to develop new services and equipment by 2009, the Commission should take the necessary steps to finalize this rulemaking this Fall, as proposed in the *Notice*.⁴

Respectfully submitted,
/s/ Linda Kinney
Linda Kinney
Bradley Gillen
ECHOSTAR SATELLITE L.L.C.
1233 20th Street N.W.
Washington, D.C. 20036-2396
(202) 293-0981

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³ Comments of the National Cable and Telecommunications Association, ET Docket No. 04-186, at 13-15 (Jan. 31, 2007). The Commission should also closely review the need for additional protection of headend equipment that is located outside the Grade B contour. *Id.* at 15-21.

⁴ *Id.*, ¶ 16. Similarly, EchoStar looks forward to the Commission Laboratory's findings this Summer with respect to interference potential in the TV bands. *Notice*, ¶ 15. In its field tests, EchoStar requests that the FCC staff pay particular attention to appropriate power limits and evaluate whether different requirements are necessary in the VHF or UHF portion of the TV band.

