

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matters of)	
)	
Service Rules for Advanced Wireless Services in The 2000-2020 MHz and 2180-2200 MHz Bands)	WT Docket No. 12-70
)	
Fixed and Mobile Services in Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz)	ET Docket No. 10-142
)	
Service Rules for Advanced Wireless Services in The 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands)	WT Docket No. 04-356
)	
GAMA Acquisition L.L.C.)	
)	
Licensee of Mobile Satellite Service, Call Sign E060430)	
)	
NEW DBSD SATELLITE SERVICES G.P.)	
)	
Licensee of Mobile Satellite Service, Call Sign E070272)	

To: Chief, Satellite Division, International Bureau
Chief, Broadband Division, Wireless Telecommunications Bureau

PETITION FOR RECONSIDERATION

NTCH, Inc., by its attorneys, hereby petitions the Commission to reconsider its February 15, 2013 "Order of Modification" in the captioned proceeding. NTCH recognizes that the Order of Modification was issued pursuant to the procedures laid out by the Commission in *Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands*, WT Docket Nos. 12-70 and 04-356, ET Docket No. 10-142, *Report and Order and Order of*

Proposed Modification, 27 FCC Rcd 16102 (2012) (*AWS-4 Report and Order*). The Commission's staff duly sent the Order of Proposed Modification to Gamma Acquisition, LLC and New DBSD Satellite Services GP, who lodged no objection to the proposed modification, nor, evidently, did anyone else.

The rules governing Section 316 license modifications contemplate the submission of pre-modification objections by either the licensees whose licenses are to be modified or “[a]ny other licensee or permittee who believes its license or permit would be modified by the proposed action” 47 USC Section 316. Interested parties who do not fall into those categories may not protest the action before its effective date. On the other hand, Section 405 of the Act permits “any other person aggrieved or whose interests may be adversely affected thereby” to petition for reconsideration of a staff or full Commission action. Accordingly, this is the first opportunity afforded by the Act for NTCH to object to the proposed modification. NTCH has filed a petition for reconsideration of the Commission's *AWS-4 Report and Order*. If granted, that petition would prevent the license modifications effected by the Commission here as being *ultra vires*. Ultimately, NTCH would like the opportunity to bid on the licenses created by the Commission's *AWS-4 Report and Order*. Accordingly, NTCH (i) had good reason not to participate earlier in this modification proceeding and (ii) its interests would be adversely affected if the modifications become final. See Section 1.106 (b)(1) of the Commission's rules.

The basis for NTCH's objection to the license modifications is set out at length in its companion “Petition for Reconsideration” filed in WT Docket No. 12-70 on March 7, 2013. NTCH demonstrated there that the fundamental change in the DISH MSS licenses which would be effectuated by the license modifications exceeds the Commission's Supreme Court-approved authority to effect only “moderate” changes via Section 316. That Petition is incorporated here

by reference. If NTCH is correct, then the license modifications effectuated by the Order on Modification would have to be rescinded. This Petition is therefore filed in an abundance of caution to ensure that the Commission retains the right to reverse the modifications consistent with its resolution of the issues presented in Docket 12-70. In the meantime, the Commission should rescind the license modifications pending final resolution of the issues raised in Docket 12-70 to ensure that DISH does not undertake expenditures or changes of course that would prove harmful to it and its customers when the Commission's AWS-4 Report and Order is reversed.

Respectfully submitted,

NTCH, Inc.

By: _____ /s/
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Its Attorney

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March 18, 2013

Certificate of Service

I, Michelle Brown Johnson, a secretary in the offices of Fletcher, Heald & Hildreth, PLC hereby certify that I have sent this 18th day of March, 2013, by first class mail, postage prepaid, copies of the foregoing Petition for Reconsideration to:

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/s/

Michelle Brown Johnson