



April 30, 2014

**BY EFILE**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: IBFS File Nos. SAT-LOA-20120921-00152 & SAT-AMD-20130614-00085  
(Call Sign S2874); GN Docket No. 14-25

Dear Ms. Dortch:

EchoStar Satellite Operating Corporation ("EchoStar") submits this letter summarizing a meeting and a separate telephone call on April 28 regarding (i) the above-referenced application ("Application") for a Ku-band fixed satellite service ("FSS") payload at 45.1° W.L.; and (ii) the above-referenced proceeding on FCC process reform. Present at the meeting were Diane Cornell, Special Counsel to Chairman Wheeler; Anders Johnson, President, EchoStar; and Jennifer Manner, Vice President of Regulatory Affairs, EchoStar. Ms. Manner also participated in the telephone call with Karl Kensinger, Deputy Chief, Satellite Division, International Bureau.

At the meeting with Ms. Cornell and during the telephone call with Mr. Kensinger, EchoStar discussed the following regarding the Application:

- As EchoStar has previously stated, FCC action on the Application is required as soon as possible for the following confidential business reason:

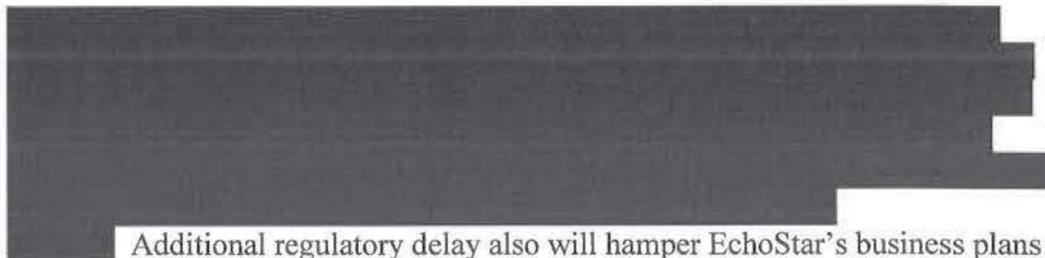
[REDACTED]

As part of its plans for a competitive satellite direct-to-home ("DTH") service in Brazil, EchoStar plans to use the proposed ECHO-45W FSS payload to backhaul programming and other content between the United States and Brazil, as well as possibly for DTH-FSS, subject to approval by Brazil's Agência Nacional de Telecomunicações ("Anatel"), and other FSS use in Latin America.

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Additional regulatory delay also will hamper EchoStar's business plans and directly impact its ability to compete fully in the Brazilian DTH market.

At the meeting with Ms. Cornell, EchoStar also discussed the following:

- With respect to its Application, EchoStar reiterated that two-degree spacing applies to its proposed operations, based on existing FCC rules and more than 30 years of FCC policy and precedent. Anything else would require carving out an exception to the rules. Such an abrupt departure from the rules should be addressed in a rulemaking, not an individual license application. At the beginning of this proceeding, even DIRECTV Latin America Holdings agreed that two-degree spacing applies here, but now contradicts itself by incorrectly claiming that the FCC has never applied two-degree spacing to international Appendix 30B operations. The FCC in fact has applied two-degree spacing to such international operations, notably in the *MSV* line of cases.<sup>1</sup>
- With respect to FCC process reform, EchoStar discussed the issues raised in its prior filing in the proceeding.<sup>2</sup> Specifically, EchoStar urged the Commission to address milestone review issues and to provide guidelines on the time frame for processing certain applications.

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<sup>1</sup> See *Mobile Satellite Ventures Subsidiary LLC*, Order, 19 FCC Rcd 18133, ¶ 10 (IB 2004); *Mobile Satellite Ventures Subsidiary LLC*, Order and Authorization, 20 FCC Rcd 9752, ¶ 36 (IB 2005); *Mobile Satellite Ventures Subsidiary LLC*, Order and Authorization, 20 FCC Rcd 479, ¶ 25 (IB 2005).

<sup>2</sup> See Letter from Jennifer A. Manner, EchoStar, to Diane Cornell, Special Counsel to Chairman Wheeler, FCC (Dec. 20, 2013).

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Based upon the foregoing, EchoStar urged the Commission to grant the above-referenced Application expeditiously, subject to the conditions to which it has agreed. Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ Jennifer A. Manner

Jennifer A. Manner

Vice President of Regulatory Affairs

cc: Diane Cornell (FCC)  
(public William M. Wilshire (Counsel for DTVLA)  
version Jennifer D. Hindin (Counsel for Intelsat)  
only)