

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

In the Matter of)	
)	
Terrestrial use of the 2473-2495 MHz Band for)	IB Docket No. 13-213
Low-Power Mobile Broadband Networks;)	RM - 11685
Amendments to Rules for the Ancillary)	
Terrestrial Component of Mobile Satellite)	
Services)	

COMMENTS OF DISH NETWORK CORPORATION

I. INTRODUCTION AND BACKGROUND

DISH Network Corporation (“DISH”) respectfully submits these comments in response to the Commission’s Notice of Proposed Rulemaking (“*Notice*” or “*NPRM*”) seeking input on changes that would enable Globalstar, Inc. (“Globalstar”) to expand its use of the 2473-2495 MHz band.¹ As a Mobile Satellite Service (“MSS”) licensee with plans to deploy a terrestrial network, DISH supports removing outdated regulatory barriers to increase the efficient use of spectrum, address rapidly growing data usage, and promote innovation and job growth.

Without expressing an opinion on all aspects of the *NPRM*, DISH generally supports the Commission’s proposal to enable expanded use of the Big LEO band for broadband services. Rule changes that would enable Globalstar to deploy a low-power broadband service in the 2473-2495 MHz band would serve the public interest by increasing spectrum utility and deployment. In particular, DISH supports rule changes that would relieve Globalstar from certain Ancillary Terrestrial Component (“ATC”) gating criteria² and other changes to the Part

¹ See Terrestrial Use of the 2473-2495 MHz Band for Low Power Mobile Broadband Networks; Amendments to Rules for the Ancillary Terrestrial Component of Mobile Satellite Service Systems, IB Docket No. 13-213; RM-11685 (rel. Nov. 1, 2013) (“*NPRM*”).

² *Id.* ¶ 25.

25 rules that would enable the deployment of Globalstar’s proposed service.³

II. DISH SUPPORTS INCREASING BROADBAND SERVICE IN THE 2473-2495 MHZ BAND

A. Increasing the Use of Spectrum for Broadband Serves the Public Interest

DISH generally supports the Commission’s proposals, which could “increase the usefulness for terrestrial mobile broadband purposes of 11.5 megahertz of licensed spectrum.”⁴

As the Commission has repeatedly recognized, America’s demand for mobile broadband services has grown rapidly in recent years—and will continue do so in the future.⁵ The spectrum required to sustain and expand those services must keep pace. Increasing the utility of the Big LEO band and unlicensed operations in the adjacent 2473-2483.5 MHz band will help address these concerns. As the *NPRM* correctly points out, the requested changes will “induce increased investment and innovation throughout the industry and ultimately improve competition and consumer choice.”⁶

The Commission recognized many of these benefits in authorizing DISH to provide terrestrial broadband service in the previously underutilized 2 GHz MSS band.⁷ It took heed of

³ *Id.* ¶ 16.

⁴ *Id.*

⁵ See, e.g., *Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands*, WT Docket Nos. 12-70, 04-356, ET Docket No. 10-142, *Report and Order and Order of Proposed Modification*, 27 FCC Rcd. 16102, 16104-05 ¶¶ 3-4 (2012) (“*AWS-4 Report and Order*”); *Statement of Commissioner Ajit Pai*, Amendment of Part 27 of the Commission’s Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, WT Docket No. 07-293, IB Docket No. 95-91, *Order on Reconsideration*, 27 FCC Rcd. 13651, 13753 (2012); *Statement of Chairman Julius Genachowski*, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Docket No. 12-268, *Notice of Proposed Rulemaking*, 27 FCC Rcd. 12357, 12546-47 (2012); FCC Staff Technical Paper, *Mobile Broadband: The Benefits of Additional Spectrum*, at 2, 5 (Oct. 2010), available at <http://www.fcc.gov/document/mobile-broadband-benefits-additional-spectrum>; *Connecting America: The National Broadband Plan*, at 76-77 (2010) (“*The National Broadband Plan*”), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296935A1.pdf.

⁶ *NPRM* ¶ 16.

⁷ See *AWS-4 Report and Order*, 27 FCC Rcd. 16103-04, 16169-70, 16187-88 ¶¶ 1-2, 177-78, 222-25.

the “urgent need for more network capacity” and observed that “the availability and quality of wireless broadband services is likely to become constrained if additional spectrum is not made available to enable network expansion and technical upgrades.”⁸ Failure to adequately address these constraints could result in “higher prices, poor service quality, an inability for the U.S. to compete effectively on an international basis, depressed demand and, ultimately, a drag on innovation.”⁹

For many of the same reasons, DISH supports the *NPRM*’s proposals that would enable Globalstar to deploy a low-power broadband network in the 2473-2495 MHz band. Terrestrial use of MSS spectrum can help alleviate the “urgent need” for network capacity and sustainable spectrum. Making such spectrum available for broadband will also create jobs and benefit the economy. DISH therefore believes that rule changes to enable broadband use of the 2.4 GHz band serve the public interest.

B. The Commission Should Relax Certain ATC Gating Requirements for the Big LEO Band

DISH supports the Commission’s proposal to relieve Globalstar from certain gating criteria to facilitate spectrum deployment in the 2483.5-2495 MHz band and unlicensed operations in the adjacent 2473-2483.5 MHz band. Specifically, DISH supports the Commission’s proposal to provide an exception for low-power ATC from rules requiring detailed showings concerning satellite system coverage and replacement satellites. DISH agrees with the Commission’s analysis that a simplified showing is sufficient.¹⁰ DISH also supports the Commission’s proposed exception from the integrated service rule for Globalstar’s anticipated low-power deployment. DISH agrees with the Commission’s conclusion that it is not feasible

⁸ *Id.* at 16104, 16169-70 ¶¶ 3, 177.

⁹ *Id.* at 16169-70 ¶ 177 (quoting The National Broadband Plan at 77).

¹⁰ *See NPRM* ¶ 26.

for Globalstar to offer integrated MSS and ATC, for example, through the use of dual-mode handsets, in the entire 2473-2495 MHz band.¹¹

C. The Commission Should Make Changes to the Part 25 Framework to Enable the Deployment of a Terrestrial System in 2473-2495 MHz

In the *Notice*, the Commission proposes to implement targeted changes to the Part 25 framework to enable the operation of a low-power ATC in the licensed MSS spectrum in the 2483.5-2495 MHz band.¹² Specifically, the Commission seeks comment on whether its Part 25 rules should be aligned with uses that are compatible with unlicensed Part 15 uses.¹³ DISH supports enabling greater use of terrestrial broadband through necessary rule changes. However, DISH does not comment on the technical and interference aspects of the Commission's proposal.

III. CONCLUSION

For the foregoing reasons, DISH generally supports the Commission's proposals that would enable Globalstar to deploy a low-power broadband service in the 2473-2495 MHz band.

Respectfully submitted,

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¹¹ *Id.* ¶ 27.

¹² *Id.* ¶ 16.

¹³ *Id.*