October 7, 2015

By ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Ex Parte Presentation
IB Docket No. 12-267

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, “EchoStar”) submit this letter summarizing an ex parte meeting with International Bureau (“IB”) staff on October 6 regarding the above-referenced proceeding. Present at the meeting were Alexander Gerdenitsch, Fernando Carrillo, and Jennifer A. Manner of EchoStar; and the following IB (Satellite Division) staff: Jose Albuquerque, Chief; Kerry Murray, Deputy Chief; Stephen Duall, Chief, Policy Branch; Chip Fleming, Chief Engineer; Diane Garfield, Engineering Branch; and Clay DeCell, Policy Branch.

At the meeting, EchoStar discussed the points noted in the attached written presentation.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/ Jennifer A. Manner
Jennifer A. Manner
Vice President, Regulatory Affairs

Attachment

cc: Jose Albuquerque (FCC)  Diane Garfield (FCC)
    Chip Fleming (FCC)  Clay DeCell (FCC)
    Kerry Murray (FCC)  Stephen Duall (FCC)
Part 25 Rulemaking:
An Opportunity to Enable Operational Flexibility, Regulatory Certainty, and Technology Neutrality to Benefit U.S. Consumers

- **Eliminate all interim milestones or make them optional:** The Commission should eliminate all interim milestones or, in the alternative, make them optional. Eliminating the milestones “would reduce administrative burdens still further and eliminate any need for submission of confidential construction contracts or proprietary design packages.”\(^1\) Other mechanisms in place, *e.g.* a bond/corporate guarantee and a reasonable limit on number of licensed but not operational satellites, will prevent warehousing.

- **Streamline Milestone Compliance:** To the extent that any milestones remain in place as either optional or required, compliance showings should be streamlined to straightforward, simple, and clear criteria.

- **Eliminate the three-strike rule and no three-strike rule at the ITU filing stage:** The three-strike rule does not prevent warehousing. Instead, it deters potential applicants from applying for space station authorizations in the United States. For the same reason, the FCC should not apply the three-strike rule to the API filing stage.

- **Number of APIs pending at any one time:** Satellite operators should be provided with the flexibility to file and have pending a reasonable number of APIs for space stations before filing an application. A number, such as five in each band, would prevent warehousing and be reasonable – at least for larger spacecraft operators who may need access to several new orbital locations.

- **Reverse/Escalating Bond:** A reverse/escalating bond should be adopted as it will incent licensees to relinquish licenses as soon as they know they will not use them.

- **The FCC Does Not Have Legal Authority to Impose a Bond at the API Stage:** The FCC cannot legally require a bond at the API stage. One, filing an API does not vest any right to the applicant to which the FCC can attach the bond to. Two, filing an API is not an application for a station license and at the API stage the applicant is not a station operator. As such, the FCC does not have authority under Sections 308(b), 303(l)(i), 4(i), or 303(r) to require any bond.

- **Use of a Corporate Guarantee:** For companies that meet certain criteria, the Commission should permit use of a corporate guarantee instead of a bond. This alternative provides

flexibility and would reduce the costs that satellite licensees currently incur in maintaining bonds.

- **Two-Degree Spacing**: The record in this proceeding clearly supports maintaining the two-degrees spacing policy as is. Two-degree spacing leads to the most efficient use of the orbital resource and promotes competition by better allowing for new entrants.

- **Minus 10*log(N) rule**: The Commission should retain the current definition of N for TDMA and FDMA in the case of spot beam satellites. If the FCC adopts its proposal, consumers would be harmed by satellite operators’ limited ability to reuse spectrum.

- **EIRP density specs for cross-polarization (section 25.218)**: A specification for cross polarization on earth station antennas beyond 7 degrees is unnecessary. For angles greater than 7 degrees from the direction of maximum gain, the values of the co-polarization and cross-polarization signals become comparable due to the loss of cross polarization isolation. At these far angles, the impact is negligible.

- **Minimum earth station elevation angle (25.205)**: The FCC should adopt its proposal to reduce the minimum elevation angle in frequency bands that are not operated bidirectionally or shared with terrestrial services. The FCC should also consider eliminating the minimum earth station elevation angle altogether as it would allow satellite operators to extend their service area in northern regions such as Alaska where low elevation angles are needed.