In the Matter of
Comprehensive Review of Licensing and Operating Rules for Satellite Services
IB Docket No. 12-267

To: Secretary, Federal Communications Commission
Attn: The Commission

PETITION FOR CLARIFICATION OF ECHOSTAR SATELLITE OPERATING COMPANY & HUGHES NETWORK SYSTEMS, LLC

EchoStar Satellite Operating Company and Hughes Network Systems, LLC (together “EchoStar”) seek clarification regarding a single aspect of the above-captioned Report & Order.¹ Specifically, the Commission should clarify that the codification of limitations on the licensing of antennas under a single call sign set forth in new Section 25.130(g) of the Commission’s Rules does not apply generally to networks of blanket-licensed earth stations, whether or not site locations are specified, and that this category of licenses is not limited solely to the types of satellite earth station networks that were listed in the Report & Order.

As licensees of multiple types of satellite Earth stations, including Very Small Aperture Satellite (“VSAT”) and other networked facilities, as well as multiple satellite space stations, EchoStar greatly appreciates the Commission’s efforts to streamline the licensing of these facilities under Part 25 of its Rules.² EchoStar supports adoption of the revised rules in their entirety, and

² EchoStar is a U.S. satellite operator and service provider founded in 1980 that today has grown to operate and provide service utilizing a fleet of 22 satellites providing a broad range of services.
look forward to additional proceedings to make further refinements, as the Commission has recently indicated it intends to pursue. However, EchoStar seeks a modest clarification with respect to one issue involving the blanket licensing of similar Earth stations that are under common network control.

In the Report & Order, the Commission adopts a new rule establishing clearer limitations upon the licensing of multiple antennas under a single call sign. The intent of this rule is to codify the FCC’s existing, informally applied approach. The specific requirement, known as “the 1”/10” Rule,” provides that multiple fixed antennas, regardless of type, may be licensed under a single call sign if they meet either of the following criteria, depending on the nature of the frequency band in which the facilities operate: (1) they are all within 1” of latitude and longitude of the Earth station coordinates in a frequency band shared on a co-primary basis with terrestrial users (e.g., C-band), or (2) they are all within 10” of latitude and longitude of the Earth station coordinates in a frequency band that is not shared on a co-primary basis with terrestrial users (e.g., conventional Ku-band).

The Report & Order and the new rule expressly do not apply to several broad classes of licenses, including VSAT Hub and terminal networks, blanket-licensed fixed Earth stations operating in the Ka-band, all types of Earth stations mounted on mobile platforms (including Earth Stations on Vessels, Vehicle-Mounted Earth Stations and Earth Stations Aboard Aircraft licenses),

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5 Id. at 12442 (¶ 121) & n.272, citing NPRM, 27 FCC Rcd 11619, 11644-45 (¶ 85).
6 See also Form 312 Instructions (“Applications for blanket licenses for VSAT networks may be filed in a single consolidated network application using Form 312”).
and 29 GHz Non-Geostationary Orbit Mobile-Satellite Service (“NGSO MSS”) feeder-link complexes. All of the types of Earth station authorizations that the Commission has specifically exempted from this new rule have common characteristics. Each describes a different category of Earth station network, whether fixed or mobile, that can be licensed in a single application on a blanket-licensed basis for operations at geographically-dispersed locations rather than at a single site. As the Commission states in the Report & Order, “Licensing of multiple transmitting facilities at specified locations under this policy is to be distinguished from blanket licensing of fixed or mobile transmit/receive earth stations at unspecified locations operating under central network control.” The key element of this provision is not that the locations are “unspecified” (although that may often be the case, it is not the case for any of the Hub stations that operate with these types of remote terminals, nor is it so for 29 GHz NGSO MSS feeder-link facilities).

Instead, the critical characteristic that is common to all of these blanket-licensed facilities is that they are “under central network control,” as indicated both in the Report & Order and in new Section 25.130(g) of the FCC’s Rules.

There are, in fact, narrow categories of other facilities that have this same characteristic, but which have not been expressly named in paragraph (g) of the updated Section 25.130. See 47 C.F.R. § 25.130(g). One such narrow category is networks of gateway Earth stations (the locations of which may or may not be specified at the time of blanket licensing). There is no reason that these similar facilities should be treated differently from the enumerated types of Earth station facilities, and there are ample public policy reasons to clarify this rule accordingly.

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7 See Report & Order, 28 FCC Rcd at 12442 n.274 and Appendix B, Final Rules, Section 24.130(g) (to be codified at 47 C.F.R. § 25.130(g)).
8 Report & Order, 28 FCC Rcd at 12442 n.274 (emphasis added).
First, the Commission has historically favored streamlining and consolidating applications for the same or similar facilities which are operated as a network of Earth stations.\(^9\) Consistent with this historical approach, the recently released *FCC Report on Process Reform* encourages the streamlining of agency practices and the elimination of unnecessary paperwork.\(^10\)

Moreover, requiring a network of fixed gateways to be licensed under a dozen or more different call signs is inconsistent with sound practice and the principles underlying the Paperwork Reduction Act.\(^11\) No purpose would be served by requiring applicants repeatedly to enter essentially the same Earth station technical parameters in multiple applications solely for the purpose of replicating descriptions of facilities at multiple geographic locations that are subject to the same network control point.\(^12\)

Finally, in the event that there are software limitations that impede the current version of the FCC’s licensing software from including multiple, geographically-dispersed locations in a

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\(^10\) See, e.g., Report on FCC Process Reform, at 32 (Recommendation 2.28 (modification of data collection to lessen burdens)), 59-60 (Recommendation 4.24 (adoption of new approaches to data collection that will reduce burdens)) & 72-73 (Recommendation 5.29 (further streamlining of Part 25 licensing and filing requirements)).

\(^11\) 44 U.S.C. § 3501 et seq.

\(^12\) To the extent that the Commission has concerns regarding potential reduction or evasion of regulatory fee payments as a result of recognition of this narrow category of blanket-licensed Earth stations, multi-location Earth station networks could be treated in the future in the same fashion as VSAT networks. VSAT networks, which allow multiple Hub antennas at different locations to be included in a single license, nonetheless are subject to annual regulatory fees based upon a fee for the authorization plus the total number of Hubs included under the authorization, i.e., counting each Hub location as a separate feeable facility for purposes of the fee payments. See *FCC Regulatory Fees Fact Sheet*, “What You Owe – International and Satellite Services Licensees for FY 2013,” at 1 (released September 5, 2013) (“Entities holding these types of [VSAT] authorizations will be assessed a regulatory fee per authorization or registration, as well as a fee for each associated Hub Station”) (emphasis original).
single license, the best course of action, consistent with the recent Report on FCC Process Reform, is to upgrade the software to allow networks of Earth stations operating under central network control to be included under a single licensed call sign.13

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Accordingly, EchoStar respectfully requests that the Commission clarify that the “the 1”/10” Rule,” which limits antennas at different locations from being included under a single call sign, generally does not apply to fixed or mobile earth stations that are authorized on a blanket-licensed basis under central network control.

Respectfully submitted,

ECHOSTAR SATELLITE OPERATING COMPANY

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    Jennifer A. Manner
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13 See Report on FCC Process Reform, at 57 (“The agency should focus on evaluating state-of-the-art technology solutions to improve its data collection and reporting, and renew its efforts to eliminate or streamline outdated or unnecessary collections”). See also Paperwork Reduction Act, 44 U.S.C. § 3501(10) (a purpose of the Act is to “ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public”).