

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

In the Matter of)	
)	
EchoStar Satellite Operating Corporation)	
)	File No.: SAT-ASG-20200123-_____
)	Call Sign: S2181
Petition for Waiver of)	
Application Fees Pursuant to Section)	
1.1117 of the Commission's Rules)	

**PETITION FOR WAIVER OF APPLICATION FEES
FOR *PRO FORMA* TRANSFER OF CONTROL**

EchoStar Satellite Operating Corporation (“ESOC”) and SES Americom (“SES”) (together the “Applicants”) respectfully request that, pursuant to Sections 1.3 and 1.1119 of the Federal Communication Commission’s (“Commission”) rules,¹ and the Communications Act of 1934, as amended (the “Act”),² the Commission waive to the extent necessary certain application fees associated with a concurrently filed application seeking consent to the *pro forma* assignment of the Ku-band payload of AMC-16 (Call Sign S2181). Under this application, the Ku-band payload portion of the Authorization will be assigned on a *pro forma* basis to EchoStar Satellite Services L.L.C. (“ESS”) an indirect, wholly owned subsidiary of EchoStar Corporation (“EchoStar”).³ Concurrently with the January 23, 2020 *pro forma* assignment application, EchoStar withdrew its December 20, 2020 filed *pro forma*

¹ 47 C.F.R. §§ 1.3, 1.1119.

² 47 U.S.C. § 158(d)(2).

³ See EchoStar Pro Forma Assignment Application, File No. SAT-ASG-20200123-_____ (filed January 23, 2020). For the Commission’s convenience, enclosed is a copy of the application materials to which this request for waiver is associated. Upon completion of the *pro forma* assignment, the Ku-band portion of AMC-16 will be operated by EchoStar BSS Corporation, a wholly owned subsidiary of DISH Network Corporation.

assignment application (“December Application”) consistent with the International Bureau Satellite Division’s request in order to correct an administrative issue.⁴

The Act and the Commission’s rules specifically provide that application fees may be waived for good cause shown and when the public interest would be served.⁵ As shown below, the public interest would be served by fee waiver because the Applicants submitted the *pro forma* assignment application to correct an administrative issue in response to a request of the International Bureau’s Satellite Division.

I. GOOD CAUSE EXISTS FOR, AND THE PUBLIC INTEREST WOULD BE SERVED BY, WAIVER OF THE SPACE STATION PRO FORMA ASSIGNMENT APPLICATION FEE

The Commission has the authority to waive application fees where good cause is shown and the public interest would be served.⁶ As demonstrated below, requiring EchoStar to pay a fee for the January Application that submitted at the request of the Satellite Division to correct an administrative issue while the December Application was withdrawn would be excessive. Further, the Commission will only be expending resources to process one assignment application.

A. FCC Application Fees are Intended to Recover the Costs of Standard Application Processing

The Commission’s schedule of application fees is intended to reimburse the government for the work involved in providing certain regulatory services associated with processing applications. The Commission has noted that the application fees “represent a

⁴ ESOC, Application for pro forma assignment of the Ku-band portion of S2181 to EchoStar Satellite Services, IBFS File No. SAT-ASG-20191220-00150 (Call Sign S2181) (filed Dec. 20, 2019).

⁵ 47 U.S.C. § 158(d)(2); *see also* 47 C.F.R. §§ 1.3, 1.1119.

⁶ *See WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *aff’d*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972).

rough approximation of the Commission’s actual cost of providing the regulatory actions listed” and that “the very core of this effort is to reimburse the government—and the general public—for the services provided to certain members of the public.”⁷ However, in certain instances, the Act and the Commission’s Rules allow parties to seek a waiver of the application fees.⁸

In the present case, EchoStar submitted a *pro forma* assignment application and the required application fee of \$9,785.00 on December 20, 2019. The application only covered the assignment of ownership of AMC-16’s Ku-band payload from EchoStar Satellite Operating Corporation to EchoStar BSS Corporation and did not include SES Americom’s ownership of the Ka-band payload in the Form 312. The Satellite Division later followed up with EchoStar to indicate that the December Application, as drafted, would result in only EchoStar BSS Corporation being listed as the authorization holder in the International Bureau Filing System (“IBFS”). To ensure that IBFS shows the correct authorization holders, the Satellite Division requested that EchoStar withdraw the December Application and together with SES resubmit a new *pro forma* assignment application to correct the administrative issue in IBFS. EchoStar performed both of these actions on January 23, 2020.

B. The Public Interest Would Be Served by Granting the Requested Fee Waiver

There is good cause to grant the Applicants’ request. Filing fees are intended to reimburse the government for the costs of processing applications. EchoStar submitted the required application filing fee along with the December Application and requests a waiver of

⁷ *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, Report and Order, 2 FCC Rcd 947, 949 (1987).

⁸ 47 U.S.C. § 158(d)(2); *see also* 47 C.F.R. §§ 1.3, 1.1119.

the fee for the newly filed application. The Satellite Division specifically requested that EchoStar withdraw the December Application to resolve an administrative issue. Further, the Division will only review the newly filed *pro forma* assignment application. As such the public interest would be served by requiring the payment of only one filing fee for the *pro forma* assignment and waiving the application fee for the new assignment application.

II. CONCLUSION

For the aforementioned reasons, the Applicants respectfully request that the Commission grant the requested fee waiver to the extent necessary in conjunction with its application for a *pro forma* assignment of the Ku-band portion of the AMC-16 Space Station authorization to EchoStar BSS Corporation.

Respectfully submitted,

/s/ Kimberly M. Baum
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Dated: January 23, 2020