



May 3, 2019

By Electronic Filing

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

Re: Hughes Network Systems, LLC, File No. SAT-MOD-20190212-00011, Call Sign S3017

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, Hughes Network Systems, LLC (together with its affiliates, “Hughes”) submits this letter regarding Hughes’s pending application to modify its authorization to deploy and operate EchoStar XXIV (also known as “HNS 95W” or “Jupiter 3”) Fixed Satellite Service (“FSS”) in the above-captioned application.¹ On April 15, 2019, O3b Limited (“O3b”) filed comments regarding Hughes’s request to modify its Jupiter 3 authorization to add spectrum in the 18.8-19.3 GHz (space-to-Earth) band for FSS downlinks to user terminals in the United States and operate in the 28.6-29.1 GHz (Earth-to-space) band for FSS feeder uplinks.²

Hughes does not object to the placement of a condition on a grant of its Modification that requires it to operate on an unprotected, non-interference basis in the 18.8-19.3 GHz and 28.6-29.1 GHz frequency bands. In fact, Hughes is currently coordinating with O3b and other NGSO satellite system operators for its Jupiter 3 satellite network and intends to complete coordination with additional NGSO FSS operators licensed in these bands.³ However, Hughes opposes O3b’s proposed condition that O3b requests that the Commission impose a condition on its grant of the Jupiter 3 Modification to require Hughes to “no later than sixty days before the scheduled initial

¹ Hughes Network Systems, LLC, File No. SAT-MOD-20190212-00011 (“Modification”).

² Comments of O3b Limited, File No. SAT-MOD-20190212-00011 (Apr. 15, 2019) (“O3b Comments”).

³ Modification, Exhibit 1 at 2-3 (“Legal Narrative”) and Attachment A at 5 (“Technical Annex”). In its initial application for Jupiter 3, Hughes stated that it had completed coordination with O3b and OneWeb and stated “[b]ased on the same principles used to achieve technical compatibility with O3b and OneWeb, Hughes will work with all future licensed NGSO FSS operators that are licensed to use the 18.8-19.3 GHz and 28.6-29.1 GHz frequency bands to reach corresponding coordination agreements.” Letter from Jennifer A. Manner, Senior Vice President, Regulatory Affairs, Hughes Network Systems, LLC, to Jose P. Albuquerque, Chief, Satellite Division, Federal Communications Commission, File No. SAT-LOA-20170621-00092, at 3-4 (Sept. 8, 2017).

launch ... either complete coordination with non-geostationary orbit systems or make a detailed technical showing of its ability to protect NGSO systems prior to the start of operation.”⁴

First, the proposed condition is too far reaching and would pose an unfair administrative burden on Hughes. Hughes stated in its Modification that it will accept interference from, and not cause harmful interference to, primary NGSO FSS operators in the band.⁵ This is consistent with the requirements imposed by the Commission on satellite systems operating on a secondary basis.⁶ In the event that Jupiter 3’s operations do cause harmful interference to a primary NGSO operator in these bands, Hughes is obligated to cease operations. However, imposing a condition that requires Hughes to cease operations if it does not successfully coordinate with *every* NGSO FSS operator in this band is an overbroad requirement. What’s more, this requirement exceeds the FCC’s stated policy that when disputes arise as to whether the “level of interference caused by GSO FSS transmissions rises to ‘harmful interference,’ and therefore violates their secondary status, this question may be taken to the Commission.”⁷ The FCC’s stated approach allows GSO systems to operate in a manner that will not cause harmful interference to NGSO systems, even in the absence of completed coordination agreements and provides NGSO operators with a remedy.

Second, tying the condition to the scheduled launch date for an NGSO FSS satellite system is not a sufficiently concrete requirement. Launch dates are unpredictable and subject to change, with launch dates often facing significant delays. The proposed condition would place the burden on Hughes to track the launch of every FCC-licensed NGSO satellite system. Requiring Hughes to link its coordination agreements with a potentially moving launch date of an NGSO FSS system would impose an unnecessary burden.

As stated above, Hughes does not object to its secondary status in the 18.8-19.3 GHz and 28.6-29.1 GHz bands. What’s more, Hughes has taken the initiative to coordinate with the NGSO operators holding primary status, including O3b. Hughes requests that the Commission decline to impose O3b’s requested condition on Jupiter 3’s proceed with grant of the Modification as soon as possible.

⁴ O3b Comments at 1, 2.

⁵ Legal Narrative at 2; Technical Annex at 2.

⁶ See 47 C.F.R. § 2.106 n.NG165; see also *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 7809, ¶ 14 (2017) (“*NGSO Report and Order*”).

⁷ *NGSO Report and Order* ¶ 16.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner
Senior Vice President, Regulatory Affairs
Hughes Network Systems, LLC

CERTIFICATE OF SERVICE

I, Theresa Rollins, hereby certify under penalty of perjury that the foregoing Petition to Dismiss or Defer was served on May 3, 2019, by depositing a true copy thereof with the United States Postal Service, first class postage pre-paid, addressed to the following:

Karis A. Hastings
SatCom Law LLC
1317 F Street, N.W., Suite 400
Washington, D.C. 20004

Suzanne Malloy
Vice President, Regulatory Affairs
O3b Limited
1129 20th Street, NW, Suite 1000
Washington, DC 20036

/s/ Theresa Rollins

Theresa Rollins