

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

In the Matter of

Hughes Network Systems, LLC

Petition for Declaratory Ruling to Add
Jupiter 2, a Ka-band Satellite,
to the Permitted Space Station List

File No. SAT-PPL-20160421-_____

Call Sign S2834

PETITION FOR DECLARATORY RULING

I. INTRODUCTION

Pursuant to the Commission's *DISCO II* policies and Section 25.137 of the Commission's rules,¹ Hughes Network Systems, LLC (together with its affiliates, "Hughes") submits this petition for a declaratory ruling ("Petition") for U.S. market access to add Jupiter 2 (also known as EchoStar XIX or Jupiter 97W), a Ka-band fixed satellite service ("FSS") satellite authorized by Papua New Guinea for launch and operation at 97.1° W.L., to the Permitted Space Station List ("Permitted List").

Jupiter 2 is generally authorized for U.S. market access under Commission approval of Hughes' letter of intent ("LOI") filings.² The satellite is scheduled for launch during the period

¹ See 47 C.F.R. § 25.137; *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, Report and Order, 12 FCC Rcd 24094 (1997) ("*DISCO II Order*"), *on recon.*, 15 FCC Rcd 7207 (1999) ("*DISCO II First Reconsideration*"), *recon. denied*, 16 FCC Rcd 19794 (2001); *2006 Biennial Regulatory Review – Revision of Part 25; Establishment of Permitted List Procedure for Ka-band Space Stations*, 25 FCC Rcd 1542 (2010).

² See Hughes, Application for Modification of Letter of Intent, IBFS File No. SAT-MOD-20141210-00127 (granted June 23, 2015) ("Jupiter 2 LOI Modification") (granting modified U.S. market access authorization for Jupiter 2"); *see also* Hughes, Letter of Intent, IBFS File No. SAT-LOI-20110809-00148 (granted July 27, 2012) (granting initial U.S. market access authorization for Jupiter 2) ("Jupiter 2 LOI").

from November 1 through November 30, 2016, and will provide advanced broadband services to consumers in the United States and abroad.

Grant of this Petition is consistent with the Commission's prior approvals of U.S. market access for Jupiter 2 and serves the public interest for the same reasons stated in the underlying applications.³ Notably, grant of this Petition serves the public interest by allowing Hughes to offer significant additional capacity to meet the broadband needs of business and residential consumers in North America for services such as high-definition video programming, on-demand entertainment, digital music, interactive television, videoconferencing, and high-capacity two-way communications. Commission grant also will allow Hughes to provide satellite broadband connectivity in new markets abroad and expand its footprint in the Americas. Additionally, the availability of additional space segment capacity will promote creation of new information and communications technology jobs in the United States.

II. THE PLANNED KA-BAND OPERATIONS OF JUPITER 2 SATISFY FCC REQUIREMENTS FOR ENTRY ON THE PERMITTED LIST

A. Hughes' Legal and Technical Qualifications

Hughes is legally and technically qualified to operate the Jupiter 2 satellite for service to the United States. The Form 312 accompanying this Petition sets forth information establishing Hughes' legal qualifications, which also are a matter of record before the Commission by virtue of the number of FCC authorizations granted to Hughes, including a grant of U.S. market access for Jupiter 2.⁴

Further, Hughes' relevant technical qualifications are established in its previously approved Jupiter 2 LOI Modification application, specifically the application's accompanying

³ See Jupiter 2 LOI Modification, Narrative, at 7; Jupiter 2 LOI, Narrative, at 2-4.

⁴ See *supra* note 2.

Schedule S and Technical Annex, both of which remain unchanged and are incorporated by reference here. Additionally, both the Jupiter 2 Modification and Jupiter LOI applications contained requests for certain rule waivers, which the Commission granted, and those waiver requests are incorporated by reference here, to the extent required.⁵

B. Public Interest Considerations

Under the Commission's *DISCO II* policies and Section 25.137(a)(2) of its rules, requests for authority to access satellites licensed by World Trade Organization ("WTO") member countries to provide "WTO-covered" services, including FSS, to the United States are presumed to enhance competition and thus serve the public interest.⁶ Accordingly, because Jupiter 2 is licensed by Papua New Guinea, a WTO member country, and will be used to provide FSS, a WTO-covered service, to the United States, grant of this Petition is presumed to be pro-competitive and in the public interest.

Grant of this Petition also satisfies other public interest considerations, including spectrum availability, national security, law enforcement, and foreign and trade policy concerns.⁷ Specifically, pursuant to a grant of the Jupiter 2 LOI" modification filing, the Commission already has authorized U.S. market access for Jupiter 2 by reserving Ka-band spectrum for eventual use of the satellite at its assigned orbital location to provide service to the United States.⁸ This Petition proposes no modification of Jupiter 2's authorized operations or U.S. market access, but merely seeks to facilitate the authorized U.S. market access by adding Jupiter

⁵ See Jupiter 2 LOI Modification, Narrative, at 14-16; Jupiter 2 LOI, Narrative, at 14-16.

⁶ See 47 C.F.R. § 25.137(a)(2); *DISCO II Order* ¶ 39.

⁷ See *DISCO II Order* ¶¶ 146-82.

⁸ See Jupiter 2 LOI Modification, Stamp Grant, at 1 n.1-4.

2 to the Permitted List of satellites authorized to communicate with U.S.-licensed earth stations.⁹ Thus, grant of this Petition will have no adverse impact on spectrum availability or the potential for harmful interference to other authorized services.

Additionally, in authorizing U.S. market access for Jupiter 2, the Commission found no national security, law enforcement, or foreign and trade policy concerns.¹⁰ This Petition seeks no change in the satellite's authorized operations for service to the United States, and thus raises no new national security, law enforcement, or foreign and trade policy concerns that the Commission did not previously consider.

III. CONCLUSION

Based upon the foregoing, grant of this Petition serves the public interest and is consistent with the existing U.S. market access authorization for the Jupiter 2 satellite. Accordingly, Hughes urges expeditious Commission approval to allow prompt commencement of advanced broadband services to U.S. and non-U.S. consumers, upon successful launch and operation of the satellite at its assigned orbital location.

Respectfully submitted,

HUGHES NETWORK SYSTEMS, LLC

By: /s/ Jennifer A. Manner
Jennifer A. Manner
Senior Vice President, Regulatory Affairs

⁹ See *DISCO II First Reconsideration* ¶¶ 16-20.

¹⁰ See Jupiter 2 LOI Modification, Stamp Grant, at 1-3; Jupiter 2 LOI, Stamp Grant, at 1