

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matters of)	
)	
Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands)	WT Docket No. 12-70
)	
Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5- 1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz)	ET Docket No. 10-142
)	
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands)	WT Docket No. 04-356
)	
GAMMA ACQUISITION L.L.C.)	
)	
Licensee of Mobile Satellite Service, Call Sign E060430)	
)	
NEW DBSD SATELLITE SERVICES G.P.)	
)	
Licensee of Mobile Satellite Service, Call Sign E070272)	

ORDER OF MODIFICATION

Adopted: February 15, 2013

Released: February 15, 2013

By the Acting Chief, Satellite Division, International Bureau and the Chief, Broadband Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this *Order of Modification*, we modify the Mobile Satellite Service (MSS) earth station and Ancillary Terrestrial Component (ATC) licenses of Gamma Acquisition L.L.C. (Gamma) (call sign E060430) and of New DBSD Satellite Services G.P. (New DBSD) (call sign E070272) in order to authorize Gamma and New DBSD to provide Advanced Wireless Service (AWS) in the AWS-4 spectrum band (2000-2020 MHz and 2180-2200 MHz). We take this action pursuant to the *AWS-4 Report and Order and Order of Proposed Modification*.¹

¹ See Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket Nos. 12-70 and 04-356, ET Docket No. 10-142, *Report and Order and Order of Proposed Modification*, 27 FCC Rcd 16102, 16220-22, 16224, at ¶¶ 319-22, 331-22 (2012) (*AWS-4 Report and Order and Order of Proposed Modification*).

II. BACKGROUND

2. The Commission allocated certain spectrum in the 2 GHz band for MSS in 1997 and adopted rules for 2 GHz MSS systems in 2000.² In 2005, New DBSD (then known as ICO) and Gamma (then known as TMI) became the sole 2 GHz MSS systems, each with 20 megahertz of 2 GHz band spectrum.³ Upon launching their satellites in 2008 and 2009, New DBSD obtained the authority to use the 2010-2020 MHz and 2180-2190 MHz bands and Gamma obtained the authority to use the 2000-2010 MHz and 2190-2200 MHz bands.⁴ Thus, the 2 GHz MSS band was configured in an A-B/B-A block duplex pairing. Further, the Commission granted New DBSD and Gamma ATC authority in 2009 and 2010, respectively.⁵

3. In April 2011, the Commission added terrestrial Fixed and Mobile allocations to the 2000-2020 MHz and 2180-2200 MHz bands.⁶ In December 2012, the Commission issued the *AWS-4 Report and Order*, in which it removed limitations associated with ATC by adopting rules for a stand-alone terrestrial service in these spectrum bands termed “AWS-4.”⁷ As part of that action, the Commission changed the MSS duplex pairing from A-B/B-A to A-B/A-B.⁸

4. The *AWS-4 Report and Order* included an *Order of Proposed Modification*⁹ that proposed modifications to Gamma and New DBSD’s licenses to add AWS-4 terrestrial operating authority, to remove ATC authority, and to modify the MSS duplex pairing.¹⁰ Furthermore, to effectuate the 2 GHz MSS band reconfiguration, the Commission directed Gamma and New DBSD to select in which bands the licensees would operate.¹¹

5. On January 22, 2013, Gamma and New DBSD stated they would not protest the proposed license modifications.¹² Additionally, Gamma stated that it would operate on the new 2 GHz MSS A

² See Amendment of Section 2.106 of the Commission’s Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service, ET Docket No. 95-18, *First Report and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 7388, 7391, 7395, at ¶¶ 5-6, 14 (1997); Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band, IB Docket No. 99-81, *Report and Order*, 15 FCC Rcd 16127 (2000).

³ See Use of Returned Spectrum in the 2 GHz Mobile Satellite Service Frequency Bands, IB Docket Nos. 05-220, 05-221, *Order*, 20 FCC Rcd 19696, 19707, at ¶ 26 (2005).

⁴ See New ICO Satellite Services G.P., Application for Blanket Authority to Operate Ancillary Terrestrial Component Base Stations and Dual-mode MSS/ATC Mobile Terminals in the 2 GHz MSS Bands, *Order and Authorization*, 24 FCC Rcd 171 (2009) (*ICO Waiver Order*); TerreStar Networks Inc., Application for Blanket Authority to Operate Ancillary Terrestrial Component Base Stations and Dual-Mode MSS/ATC Mobile Terminals in the 2 GHz MSS Bands, *Order and Authorization*, 25 FCC Rcd 228 (2010) (*TerreStar Waiver Order*).

⁵ See generally *ICO Waiver Order*, 24 FCC Rcd 171; *TerreStar Waiver Order*, 25 FCC Rcd 228.

⁶ See Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz, ET Docket No. 10-142, *Report and Order*, 26 FCC Rcd 5710 ¶ 2 (2011).

⁷ See generally *AWS-4 Report and Order and Order of Proposed Modification*, 27 FCC Rcd at 16102, ¶ 1.

⁸ *Id.* at 16120, 16168-69, 16220, ¶¶ 45, 175, 319.

⁹ *Id.* at 16220-22, 16224, ¶¶ 319-22, 331-32.

¹⁰ *Id.* at 16220-22, ¶¶ 319-321.

¹¹ *Id.* at 16120, 16168-69, 16220, ¶¶ 45, 175, 319.

¹² Letter from Jeffrey H. Blum, Senior Vice President & Deputy General Counsel, DISH, to Marlene H. Dortch, Sec’y, Federal Communications Commission, WT Docket Nos. 12-70 and 04-356, ET Docket No. 10-142 (filed Jan. 22, 2013) (Gamma/New DBSD January 22 Letter). Gamma and New DBSD are each wholly owned

Block (2000-2010 MHz and 2180-2190 MHz); New DBSD stated that it would operate on the new 2 GHz MSS B Block (2010-2020 MHz and 2190-2200 MHz).¹³

III. DISCUSSION AND CONCLUSION

6. Based on the record in this matter and the Commission's decision in the *AWS-4 Report and Order*, we conclude it is in the public interest to modify the Gamma and New DBSD licenses.¹⁴ The license modifications will be effective on March 7, 2013, the date on which the rule changes contained in the *AWS-4 Report and Order* become effective (other than those requiring OMB approval).¹⁵

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of Gamma Acquisition L.L.C., call sign E060430, IS MODIFIED to specify MSS operations in the 2000-2010 MHz and 2180-2190 MHz frequency bands, and to remove ATC authority.

8. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of New DBSD Satellite Services G.P., call sign E070272, IS MODIFIED to specify MSS operations in the 2010-2020 MHz and 2190-2200 MHz frequency bands, and to remove ATC authority.

9. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that AWS-4 operating authority IS GRANTED to Gamma Acquisition L.L.C.

10. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that AWS-4 operating authority IS GRANTED to New DBSD Satellite Services G.P.

11. IT IS FURTHER ORDERED that this *Order of Modification* WILL BE SENT by certified mail, return receipt requested, to Alison Minea, Corporate Counsel, DISH Network Corporation, 1100 Vermont Avenue, NW, Suite 750, Washington, DC 20005, and to Mr. Pantelis Michalopoulos, Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036-1795.¹⁶

12. IT IS FURTHER ORDERED that the licensing staffs of the International Bureau and the Wireless Telecommunications Bureau WILL UPDATE the International Bureau Filing System and the Universal Licensing System in accordance with this *Order of Modification* and with the Commission's rules.

13. IT IS FURTHER ORDERED that this *Order of Modification* WILL BE EFFECTIVE on March 7, 2013.

subsidiaries of DISH Network Corporation. See *AWS-4 Report and Order and Order of Proposed Modification*, 27 FCC Rcd at 16109-10, ¶ 14.

¹³ See Gamma/New DBSD January 22 Letter.

¹⁴ See 47 C.F.R. § 1.87.

¹⁵ See 78 FR 8229 (Feb. 5, 2013).

¹⁶ See Letter from Pantelis Michalopoulos, Counsel for DISH Network Corporation, New DBSD Satellite Services G.P., and Gamma Acquisition L.L.C., to Marlene H. Dortch, Sec'y, Federal Communications Commission (dated Jan. 29, 2013) (notifying the Commission that Gamma and New DBSD updated their contact information in the CORES database).

14. This action is taken under delegated authority pursuant to Sections 0.51, 0.131, 0.261, and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.51, 0.131, 0.261, and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Fern J. Jarmulnek
Acting Chief, Satellite Division,
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