



July 22, 2021

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

Re: Oral *Ex Parte* Presentation  
IBFS File Nos. SES-MOD-20201204-01305, SES-MOD-20201204-01306, SES-MOD-  
20201204-01308, SES-MOD-20201204-01309 & SES-MOD-20201204-01310  
(Call Signs: E170153, E170163, E170164, E170165 & E170169)

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, HNS License Sub, LLC (“Hughes”) submits this notice of an *ex parte* meeting by teleconference on July 20 with International Bureau staff. Specifically, Jennifer Manner and Clifford Gonsalves of Hughes, along with Phuong Pham, its outside counsel, met with Karl Kensinger, Kerry Murray, and Kal Krautkramer to discuss the attached talking points.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ Jennifer A. Manner

Jennifer A. Manner  
Senior Vice President, Regulatory Affairs

Attachment

cc: Karl Kensinger  
Kerry Murray  
Kal Krautkramer  
Daudeline Meme (Verizon)  
Bethan Jones (Counsel for Verizon)



**THE FCC SHOULD EXPEDITIOUSLY GRANT HUGHES' PROPOSED GATEWAY RELOCATIONS TO ENABLE THE JUPITER 3 SATELLITE SYSTEM TO MEET BROADBAND NEEDS ACROSS THE UNITED STATES**

**IBFS File Nos. SES-MOD-20201204-01305, SES-MOD-20201204-01306, SES-MOD-20201204-01308, SES-MOD-20201204-01309 & SES-MOD-20201204-01310**

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***The Proposed Gateway Relocations Serve the Public Interest Without Materially Impacting Other Networks***

- Hughes' next-generation broadband satellite, Jupiter 3 (also known as EchoStar XXIV), is planned for launch in the second half of 2022, and will deliver higher-speed, higher-capacity broadband at speeds of up to 100/20 Mbps to consumers throughout the continental United States and the Americas with a focus on those areas underserved or unserved by terrestrial broadband.
- The proposed modifications for five Jupiter 3 gateways (including site changes in Cheyenne, WY, Bismarck, ND, Lindon, UT, Simi Valley, CA, and Quincy, WA) serve the public interest by: (i) ensuring optimal operations of key ground components of the overall Jupiter 3 satellite network; (ii) facilitating deployment of higher-speed, higher-capacity broadband to meet unprecedented consumer demand impacted by COVID-19; and (iii) bolstering Hughes' disaster relief efforts and capabilities, particularly in areas where terrestrial networks are unavailable.
- Consistent with the Commission's rules and guidance, power flux density ("PFD") contours on file demonstrate compatibility with upper microwave flexible use ("UMFU") operations, except for some contour overlap of a few roadways near two sites in Bismarck and Lindon.
- Additionally, Hughes successfully completed coordination with other networks after notifying, and receiving no objections from, potentially affected UMFU operators, including Verizon. Verizon provides no evidence of any existing or planned UMFU facilities that could be impacted, but instead seeks to evade its own obligations under the Commission's rules to coordinate in good faith by failing to provide information that could allow a mutually acceptable arrangement.

***No Additional Information Is Required to Show UMFU Compatibility***

- Consistent with the Commission's rules and guidance, Hughes provided detailed justification for calculating PFD contours based upon assumed power levels during clear-sky conditions. These contours account for local weather conditions and reflect high probabilities, ranging from 96.42% to 98.71%, of clear-sky conditions for the proposed 28 GHz operations at each site.
- Contrary to Verizon's baseless claim, the Commission's rules and guidance ***do not require*** PFD contours to account for worst-case power levels. Such contours would not minimize interference to UMFU operations as Verizon claims, but rather expand the areas where the

proposed gateways are permitted under the rules to operate without providing interference protection to Verizon. By contrast, the PFD contours on file provide for smaller areas where the proposed gateways may operate without providing interference protection, thus entitling Verizon to interference protection anywhere outside these smaller contour areas.

- In any event, Verizon has all the technical information required to calculate alternative PFD contours that account for worst-case power levels. Hughes has provided all relevant technical input data, including clear-sky power levels, and Section 25.204(e)(1) of the Commission's rules limits worst-case power levels to 1 dB above clear-sky power levels.

***Verizon's Proposed License Condition Requiring Secondary Operations in Bismarck and Lindon Is Excessive and Contrary to FCC Precedent***

- Consistent with existing license conditions adopted for Jupiter 3 gateways in Bismarck and other locations, the proposed gateway operations in Bismarck and Lindon may be authorized, provided that Hughes takes (i) "corrective action to mitigate interference ... if the actual PFD, at ten meters above ground level, exceeds -77.6 dBm/m<sup>2</sup>/MHz anywhere outside the contour specified in the application," and (ii) "immediate corrective action upon receipt of any complaint of actual interference occurring in the portions of roads that lie inside the corresponding pfd contour."<sup>1</sup>
- Verizon's proposed license condition requiring secondary gateway operations in Bismarck and Lindon would broadly mandate interference protection even in substantial portions of PFD contour areas with no overlapping major roadways. Thus, Verizon's proposed condition is unduly restrictive and unnecessary, particularly in view of more narrowly tailored conditions that the Commission has adopted to address interference risks to major roadways.
- Accordingly, for these reasons, the FCC should grant the Hughes gateway applications as filed. These gateways are a critical part of Hughes' Jupiter 3 satellite network, which will deliver broadband at speeds of up to 100/20 Mbps across the country, including in rural and remote areas where terrestrial broadband is not available. As Acting Chairwoman Rosenworcel recently said, if we just relied on the millimeter wave spectrum, we would actually increase the digital divide for 5G.<sup>2</sup>

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<sup>1</sup> See Hughes, Radio Station Authorization, Call Sign E170153, IBFS File No. SES-LIC-20170807-00878 (May 15, 2020) (adopting Nos. 900577 & 900592 under Section H (Special and General Provisions) for Bismarck gateway).

<sup>2</sup> See Axios, *Watch: A Conversation on America's Digital Connectivity*, <https://www.axios.com/axios-event-5g-future-fcc-chair-302fecf5-f6af-4f8f-99a7-4d9ce0fa37e9.html> (July 16, 2021).