

Renewal of License and Waiver Request

ESPN, Inc. (“ESPN”) hereby submits this waiver request to allow processing of this instant renewal application of its fixed satellite earth station license Call Sign E070094 (the “License”). The License was granted on June 26, 2007 with an expiration of June 26, 2022.¹ However, due to an administrative oversight, ESPN did not timely submit the necessary application for renewal for the Licenses prior to the 30 days before expiration of the Licenses. Upon discovering this, ESPN instructed FCC counsel to prepare the instant renewal application and waiver request.²

The Commission’s rules require that renewal applications be filed no later than 30 days before the expiration of an earth station license and that an earth station license will automatically terminate on its expiration date unless an application to renew the license has been timely filed.³ The Commission may, however, waive its rules for good cause shown.⁴

Accordingly, to the extent necessary, ESPN respectfully requests waiver of Sections 25.121(e) and 25.161(b) of the Commission’s rules to allow acceptance of the instant renewal application and avoid automatic termination of the License on its scheduled expiration date. ESPN uses the License to uplink programming networks. The earth station covered by the License is integral to ESPN’s ability to provide its programming across the country and denial of the instant waiver requests would harm ESPN, its customers, and millions of consumers that receive ESPN’s programming via the uplink operated pursuant to the License. Moreover, denial of the instant request for relief would not create any benefit to any other party, as there already exist multiple additional C-band antennas coordinated at the same location.⁵ ESPN has further implemented enhanced internal monitoring procedures to ensure there is no recurrence of a failure to timely file renewal applications. These procedures will ensure that ESPN’s internal team is alerted well in advance of any license expirations, and thus in advance of the deadline to file necessary renewal applications, by tracking and calendaring the dates on which licenses are scheduled to expire, the deadlines for filing applications to renew such licenses, and the dates on which renewal applications become available in IBFS. In addition, ESPN has engaged outside counsel to alert ESPN of any upcoming expirations and the availability of renewal applications in IBFS to provide an additional, redundant control to prevent any future recurrence.

For the foregoing reasons, ESPN respectfully submits that renewal of the License and grant of the requested relief is appropriate and would serve the public interest, convenience, and necessity.

¹ See IBFS File No. SES-LIC-20070517-00674.

² To the extent necessary, and in conjunction with this application, ESPN is filing a request for Special Temporary Authority to permit continued operation of the earth station as of 06/26/2022 and for a period continuing up to sixty (60) days following grant, while this renewal application is pending.

³ See 47 C.F.R. §§ 25.121(e), 25.161(b).

⁴ See 47 § C.F.R. 1.3. See also *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

⁵ See Call Signs: E070093, E070094, E070231. In addition, ESPN has two Receive Only Registrations located at the same facility, Call Signs: E180555, E181579.