



February 27, 2023

Via E-Mail
Noah Jackson
Legislative Clerk
2125 Rayburn House Office Building
Committee on Energy and Commerce
Washington, DC 20015
noah.jackson@mail.house.gov

Re: Response to Question for the Record

Dear Mr. Jackson,

As requested by Chairman Latta, below please find my response to the Question for the Record from the Launching into the Satellite Marketplace hearing held by the Subcommittee on Telecommunications on February 3, 2023.

Question for the Record from the Honorable Earl L. "Buddy" Carter: How should potential incentives be aligned to balance speed and innovation with the need to provide certainty and protection to satellite systems?

The satellite industry is at a time of significant investment and innovation at rates we have never seen with a range of exciting services coming to the U.S. marketplace at incredible speeds. To keep up with the pace of innovation, the regulatory regime must adapt and be provided with the resources to ensure that companies have the ability to move forward with their plans quickly in order to meet growing user demands.

Enabling a more efficient regulatory regime is fairly straight forward when action does not call into question the access to spectrum of existing operators or create the potential for harmful interference into other users. However, when the proposed use has the potential for harmful interference into an existing use or could cut short the life of another satellite network, an element of caution must be introduced even if that means a brief delay in introducing a new service or network. Let me explain.

First, we have recently seen an uptake in satellite license applications that propose using spectrum that is allocated for terrestrial, not satellite, use. Traditionally, the government has been cautious in approving a use that is not consistent with our allocation table because of concerns of harmful interference into existing services. However, in the cases we are seeing today, the proponents have argued that as opposed to having to prove that they will not cause harmful interference, a simple condition on operating on a non-interference basis would suffice. While in principle, this may sound reasonable, practice may be different. Interference between radio services may only be seen once there is a large commercial deployment. This was demonstrated in the past with garage door openers interfering into military radars. And once done, it may be hard or impossible to undo. A better approach in these situations is for fact-based analysis to be completed before acting. While it is true that this may slow down deployment of these networks, it also ensures that other important and innovative services that are operating in the same or adjacent frequency bands are protected.

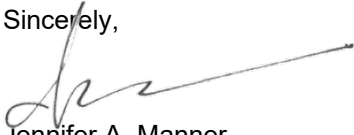
Another concern comes when changing the spectrum sharing regime for satellite services. There is universal support for increasing sharing of spectrum among satellite networks in order to increase spectrum efficiency. However, how this is introduced must be balanced to protect existing investment and use, while promoting the use by new entrants. Satellite networks are expensive and investors require a sufficient period of time during which they can recoup their investments. Accordingly, to the extent that the government wants to change how spectrum is shared among operators, it must provide incumbents with a reasonable period of time of continued

certainty (i.e. a license term), before interfering with their rights. This grandfathering, however, would not stop the introduction of sharing regimes for other entrants. Instead, sharing would be phased in over time, allowing increased innovation while protecting existing investment. Instead of favoring new entrants by upending existing investments, new entrants would gain the benefits of increased spectrum efficiency on day one with those benefits increasing over time as incumbents are transitioned to this new sharing regime.

These are just a couple of examples of when it is critical to ensure a reasonable balance between increasing innovation on a rapid basis and the need to protect existing systems and their investment.

Please let me know if you have any questions or need any clarifications.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer A. Manner", with a long horizontal stroke extending to the right.

Jennifer A. Manner
Senior Vice President, Regulatory Affairs
EchoStar Corporation