



May 22, 2025

Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, DC 20554

Re: SB Docket No. 25-173, *EchoStar Corporation's Use of 2 GHz MSS Spectrum*; WT Docket No. 22-212, *Monitoring DISH's Compliance with Conditions Granting an Extension of Time to Complete Construction of Facilities and Buildout Commitments*

The Computer & Communications Industry Association (CCIA)¹ is pleased to provide comment² to the Federal Communications Commission (FCC or Commission) regarding the licenses³ held by EchoStar Corporation (EchoStar), covering spectrum that includes mobile-satellite service (MSS) and advanced wireless service (AWS), for use in its provision of various wireless broadband services (collectively, “the Licenses”). CCIA recommends that the Commission allow EchoStar to retain these licenses, for which it has expended billions in deployment, in order that it can remain a key participant in the market for 5G retail wireless services.

CCIA appreciates the Commission’s commitment to maximizing the use of our nation’s spectrum; fallow licenses are of no help to American consumers and will not get us any closer to achieving ubiquitous broadband coverage. Here, however, the record demonstrates that EchoStar (f/k/a DISH) has consistently and diligently built out the facilities that offer operate 5G services under the Licenses. In September 2023, the Wireless Telecommunications Bureau found that “DISH has met its band-specific 5G commitments and two of its three nationwide 5G commitments[,]”⁴ and it “accept[ed] DISH’s proposed drive test methodology for verifying compliance with the remaining nationwide 5G commitment.”⁵ This finding was based in part on EchoStar’s demonstrating that “as of June 14, 2023, it had deployed a 5G network with at least 70% of the United States population having access to download speeds equal to or greater than 35 Mbps.”⁶ With that milestone, EchoStar had met its 2023 deployment

¹ For more than fifty years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. EchoStar is a CCIA member. The list of CCIA members is available at <https://ccianet.org/about/members/>.

² [DA 25-404](#) (May 12, 2025); [DA 25-405](#) (May 12, 2025).

³ The Licenses are in the following bands: 600 MHz; Lower 700 MHz E Block; 2000-2020 MHz; and 2180-2200 MHz.

⁴ WT Docket No. 22-212, [Letter](#) from Joel Taubenblatt, Chief, Wireless Telecommunications Bureau, to Jeffrey Blum, Executive Vice President, DISH, at 1 (Sept. 29, 2023).

⁵ *Id.*

⁶ WT Docket No. 22-212, [Letter](#) from Jeffrey Blum to Joel Taubenblatt at 3 (Sept. 17, 2024) (the “September 17 Letter”).

commitment.⁷

EchoStar's 5G deployment continued at a rapid pace: as of December 31, 2024, it was offering 5G Broadband Service (as defined in the *2020 Order*) to 268,331,385 persons throughout the U.S., which represents **80.08%** coverage based on the 2020 U.S. Census.⁸ More than **23,000 towers** are included in this vast rollout.⁹

EchoStar has brought a novel telecommunications product to market: an Open RAN, cloud-native 5G architecture, built from scratch, that meshes together the several spectrum bands covered by the Licenses into a coherent, seamless broadband service. This nationwide broadband network makes EchoStar a key participant in the wireless market, ensuring that the U.S. has four nationwide, facilities-based, operational wireless service providers instead of only three.¹⁰

Increased concentration in the wireless services market has been a concern for many years. The *2022 Marketplace Report* noted how, as of year-end 2021, the Herfindahl-Hirschman Index (HHI) score for this market was 3596,¹¹ nearly double the threshold for a highly concentrated market as outlined in the 2023 Merger Guidelines.¹² That report also states that the spectrum presently authorized for use is largely held by three firms: “[a]s of July 2022, the three nationwide service providers, AT&T, T-Mobile, and Verizon Wireless, together held approximately 78% of all the spectrum included in the spectrum screen[.]”¹³ More recently, comments in the *Spectrum Screen* proceeding¹⁴ demonstrate the concerns of a wide swath of the mobile wireless services industry: for example, the Competitive Carriers Association (CCA) devoted its comments to demonstrating “widespread government and industry agreement that the lapse of the Commission’s auction authority represents a serious threat to 5G deployment,

⁷ *Applications of American H Block Wireless LLC, DBSD Corporation, Gamma Acquisition LLC, and Manifest Wireless LLC for Extension of Time, Order of Modification and Extension of Time to Construct*, 35 FCC Rcd. 9580, 9593 (App. B) (2020) (“*2020 Order*”).

⁸ WT Docket No. 22-212, EchoStar Corporation [5G Buildout Status Report](#) at 1 (filed Jan. 10, 2025).

⁹ WT Docket No. 22-212, [Letter](#) from Jeffrey Blum to Marlene H. Dortch, Secretary, FCC, at 1 (Apr. 23, 2025). EchoStar will have deployed **24,000 towers** by June 14, 2025. September 17 Letter at 2 (emphasis added).

¹⁰ Project Kuiper LLC, a subsidiary of Amazon, aims to deploy a constellation of 3236 low-earth orbit (LEO) satellites worldwide, at a cost of \$10 Billion, to provide broadband services across the globe. It expects to commence service in the U.S. via 587 satellites that will go live mid-2026. On April 28, 2025, it launched the first 27 satellites. *Amazon launches first Kuiper internet satellites, taking on Starlink*, (Reuters Apr. 29, 2025), <https://www.reuters.com/business/media-telecom/amazon-launches-first-kuiper-internet-satellites-taking-starlink-2025-04-28/>.

¹¹ GN Docket No. 22-203, 2022 Communications Marketplace Report, FCC 22-103, 37 FCC Rcd. 15514, 15574 ¶ 78 (rel. Dec. 30, 2022), <https://www.fcc.gov/document/2022-communications-marketplace-report>.

¹² U.S. Dep’t of Justice and Fed. Trade Comm’n, Guideline 1, Merger Guidelines at 5 (Dec. 18, 2023) (HHI greater than 1800 is indicative of a “highly concentrated market”), <https://www.justice.gov/d9/2023-12/2023%20Merger%20Guidelines.pdf>.

¹³ FCC 22-103, 37 FCC Rcd. at 15580 ¶ 86.

¹⁴ WT Docket No. [23-319](#), RM-11966, *AT&T Petition for Rulemaking and Mobile Spectrum Holding Policies*.



American 5G leadership, and the American economy generally.”¹⁵

EchoStar’s 5G Open RAN broadband network provides consumers throughout the United States a robust, reliable fourth choice of service provider. Recognizing these important benefits, CCIA has long supported EchoStar’s entry into the wireless market. To strip EchoStar of the Licenses now, after it has invested billions and reached over 80% of U.S. consumers, would all but ensure entrenched market concentration—and unavoidable harm to consumers—for years to come. In addition to the significant competitive harm that revoking the Licenses would wreak, that action would create an unprecedented waste of network resources to a level that this country has never seen—hundreds of millions of broadband connections gone dark and billions in investment thrown away. Those results would be completely antithetical to this nation’s staunch commitment to broadband.

Further, the modification to EchoStar’s buildout timelines that previously was granted by the Commission is consistent with its well-established precedent. The FCC has granted buildout extensions to various entities hundreds of times across several Administrations, including the first Trump Administration. And these updated buildout timelines were expressly conditioned upon new and substantial public-interest commitments undertaken by EchoStar.

The Commission should reject demands that any of the Licenses be revoked and should refrain from making any revisions to EchoStar’s approved, modified buildout timelines.

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CCIA appreciates the opportunity to respond on these matters and is available to provide any additional information that might be helpful to the Commission.

Sincerely,

Stephanie Joyce
Chief of Staff, Senior Vice President, and Director of Litigation Center for the Connected Economy
CCIA

¹⁵ WT Docket No. 23-319, RM-11966, Comments of Competitive Carriers Ass’n at 4 (filed Oct. 23, 2023), <https://www.fcc.gov/ecfs/document/1024765327959/1>.