

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

In the Matter of)
)
Amendment of Section 25.119(f) of the)
Commission's Rules to Modify the Consummation)
Deadline for Satellite Space and Earth Station)
License Assignments and Transfers of Control)

ORDER

Adopted: July 31, 2014

Released: August 1, 2014

By the Commission:

1. By this Order, we amend section 25.119(f) of the Commission's rules to extend the time by which parties must consummate an approved satellite space station or earth station license assignment or transfer of control from 60 to 180 days. This amendment is part of the Commission's process reform initiative¹ and will provide parties greater flexibility to set closing dates, decrease the need to file extension of time requests, and harmonize this consummation deadline with that in other wireless services.² Because this amendment involves a rule of agency procedure, general notice and an opportunity to comment are not required.³

2. Section 25.119(f) of the Commission's rules requires space station and earth station licensees to consummate an assignment or transfer of control within 60 days from the date of authorization.⁴ This period is shorter than the 180-day consummation period for wireless licenses, which are often involved in the same transaction with satellite licenses. Moreover, many space station and earth station licensees seek Commission approval well in advance of closing a transaction, and may need more than 60 days to consummate after Commission authorization. This can result in the filing of requests to extend the consummation deadline, and these requests have been granted.⁵

3. To address this issue, a staff working group recommended, under Recommendation 5.30 of its Process Reform Report, extending the 60-day consummation period to 180 days.⁶ We find that it is

¹ See Report on FCC Process Reform, GN Docket No. 14-25 (Staff Working Group, Feb. 14, 2014) (Process Reform Report).

² See 47 C.F.R. § 1.948(d) (180-day consummation deadline for wireless license transfers and assignments requiring prior Commission approval).

³ 5 U.S.C. § 553(b)(A). See also 47 C.F.R. § 1.412(b)(5) (prior notice not required for amendments to rules relating to Commission organization, procedure, or practice). Nonetheless, the Commission issued a public notice seeking comment on this action and received comments. See *infra* note 6.

⁴ 47 C.F.R. § 25.119(f).

⁵ See, e.g., Sirius XM Radio Inc., File No. SAT-T/C-20130522-00074 (extension granted July 23, 2013); Shared Data Networks, LLC, File No. SES-T/C-20130612-00491 (extension granted Sept. 30, 2013); Cox Radio, Inc., File No. SES-T/C-20121221-01137 (extension granted Mar. 12, 2013).

⁶ Process Reform Report at 73, Recommendation 5.30. A public notice was issued seeking comment on the Process Reform Report. FCC Seeks Public Comment on Report on Process Reform, *Public Notice*, GN Docket No. 14-25, DA 14-199 (Feb. 14, 2014). In response, SES Americom, Inc. and EchoStar Satellite Operating Company, writing

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in the public interest to adopt this recommendation. The amendment will remove unnecessary administrative burdens by eliminating the filing of such extension of time requests. A 180-day deadline may also facilitate transactions involving a company holding licenses in multiple services.

4. We hereby modify section 25.119(f) of our rules consistent with Recommendation 5.30. Accordingly, parties to an approved license transfer or assignment will be required to consummate the transaction within 180 days from the date of authorization, instead of within 60 days. There are no other changes to the current rule. The amended first sentence of section 25.119(f) of our rules will read as follows:

(f) Assignments and transfers of control shall be completed within 180 days from the date of authorization. * * *

5. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), (j), and section 553(b)(A) of the Administrative Procedure Act (APA), 5 U.S.C. § 553(b)(A), section 25.119(f) of the Commission's rules, 47 C.F.R. § 25.119(f), is amended as described above.

6. IT IS FURTHER ORDERED that this Order is effective upon publication in the Federal Register, pursuant to section 553(d)(1) of the APA, 5 U.S.C. § 553(d)(1).⁷ As a result, the new rule will apply to all transfers and assignments that are pending or have been approved, but not consummated, at the time of, and after, Federal Register publication.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

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also for its subsidiary Hughes Network Systems, LLC, filed comments. All three companies supported the recommendation. *See* Comments of SES Americom, Inc., GN Docket No. 14-25, at 3 (filed Mar. 31, 2014); Comments of EchoStar Satellite Operating Company and Hughes Network Systems, LLC, GN Docket No. 14-25, at 14-15 (filed Apr. 1, 2014). There were no objections.

⁷ Under section 553(d)(1), rules that grant or recognize an exemption or relieve a restriction may take effect less than 30 days after publication of the rule in the Federal Register.