IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	)	Chapter 11
	)	
DISH DBS CORPORATION DISH WIRELESS L.L.C., *et al.*,	)	Case No. 26-90627 (CML)
	)	
Debtors.[1]	)	(Jointly Administered)
	)	

NOTICE OF FCC MEMORANDUM OPINION AND ORDER

PLEASE TAKE NOTICE that, on July 30, 2026, the Wireless Telecommunications Bureau of the Federal Communications Commission entered the Memorandum Opinion and Order attached hereto as **Exhibit 1**.

[*Remainder of Page Intentionally Left Blank*]

[1] The last four digits of DISH DBS Corporation's and DISH Wireless L.L.C.'s respective tax identification numbers are 8967 and 6388. A complete list of each of the Debtors in these Chapter 11 Cases and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors' proposed claims and noticing agent at https://dm.epiq11.com/DBS. The location of the Debtors' corporate headquarters and the Debtors' service address is 9601 S. Meridian Blvd., Englewood, Colorado 80112.

July 31, 2026
Houston, Texas

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Proposed Counsel to the Debtors and Debtors in Possession

Certificate of Service

I certify that on July 31, 2026, I caused a copy of the foregoing document to be served via the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Charles R. Koster
Charles R. Koster

Exhibit 1

FCC Memorandum Opinion and Order

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

In the Matter of	)	
	)	
Applications of AT&T Mobility II LLC and EchoStar Corporation for Consent to Assign Licenses	)	WT Docket No. 25-303
	)	
Applications of Spectrum Business Trust 2025-1, Space Exploration Technologies Corp., and EchoStar Corporation for Consent to Assign Spectrum and Earth Station Licenses	)	GN Docket No. 25-302

MEMORANDUM OPINION AND ORDER

Adopted: July 30, 2026 **Released: July 30, 2026**

By the Chief, Wireless Telecommunications Bureau:

1. When we approved EchoStar's sale of its licenses for tens of billions of dollars, we required it to set up a trust fund to help pay those companies that built its 5G network, because while EchoStar was required to build the network as a condition on its licenses, it refused to pay the companies that actually did so. EchoStar has now told a federal bankruptcy court that this fund can be used to pay a loan one EchoStar subsidiary supposedly made to another, a claim so large it threatens to swallow the fund. We disagree, and clarify what should be obvious – that the fund cannot be used to pay companies that did not build the network. And to ensure that that the purpose of the fund is not perverted, we also modify the fund's terms to explicitly exclude from payment any claims of EchoStar or its subsidiaries.

2. *Background.* As we stated in our earlier orders, EchoStar sought approval to sell its licenses to AT&T and SpaceX for tens of billions of dollars, yet a number of entities argued that EchoStar indicated that it would not fulfill the contracts nor pay companies for work—the construction of a new facilities-based nationwide 5G network, including the leasing of space on towers and rooftops to house its antennas—that it was required to undertake as a condition on those licenses.[1] At the same time, EchoStar disputed the underlying claims that had been raised by those companies. Given the unique factual and legal circumstances presented in these transactions, we conditioned our approval on EchoStar creating a $2.4 billion trust fund (the Fund) to help pay obligations potentially incurred in connection with the construction, operation, maintenance, building, decommissioning, and/or provisioning of goods or services related to or arising out of the communications sites and/or communications network associated with certain of the licenses being assigned or transferred in this transaction. The Fund will pay claims that have been settled by the parties or adjudicated by a court or other competent tribunal. We found that such a condition was necessary to conclude that the proposed transactions served the public interest.

3. On June 30, 2026, after our approval of the license assignments, various subsidiaries of EchoStar, including DISH Wireless L.L.C. (DISH Wireless), filed bankruptcy cases in the United States

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[1] *Applications of AT&T Mobility II LLC and EchoStar Corporation for Consent to Assign Licenses*, WT Docket No. 25-303, Memorandum Opinion and Order, DA 26-470, at 26–28, paras. 58–62 (WTB May 12, 2026) (*AT&T-EchoStar Order*); *Applications of Spectrum Business Trust 2025-1, Space Exploration Technologies Corp., and EchoStar Corporation for Consent to Assign Spectrum and Earth Station Licenses*, GN Docket No. 25-302, Memorandum Opinion and Order, DA 26-471, at 33–35, paras. 73–77 (WTB/SB May 12, 2026) (*SpaceX-EchoStar Order*). Commenters also alleged that EchoStar claimed that the subsidiary that contracted with them—DISH Wireless, LLC—would not be receiving any of the monies from the sale of the licenses at issue. *Id.*

Bankruptcy Court for the Southern District of Texas.[2] According to the Disclosure Statement filed by the EchoStar entities, from 2020 to 2025, DISH Wireless and some of its affiliates and subsidiaries spent more than $13 billion to build out the 5G network (which as stated above, was required to be built by the license conditions), primarily funded by an intercompany loan from non-debtor DISH Network Corporation,[3] of which $8.8 billion remains owed.[4] Also according to the Disclosure Statement, beginning in September 2025, DISH Wireless sent notices to "thousands of 5G Network [contract] counterparties" alleging that DISH Wireless was excused from performing under the contracts, and that since then, more than 200 lawsuits were filed against DISH Wireless and hundreds of claims had been settled.[5]

4. Finally, as is relevant here, the Disclosure Statement states that the $8.8 billion claim, which has been assigned to a trust for the benefit of holders of certain DISH DBS Corporation (not DISH Wireless) senior notes,[6] might be asserted outside of bankruptcy as a claim against the Fund, rather than being asserted as a claim against the bankruptcy estate.[7] Several parties have raised concerns about this possibility, arguing that the claim would effectively exhaust the entirety of the Fund and limit the ability of infrastructure providers to recover under the Trust.[8] They also pointed out provisions of the bankruptcy plan that they say describe how any payments made by the Fund on the $8.8 billion claim would reduce amounts that EchoStar or its affiliates would otherwise pay outside of bankruptcy to the holders of DISH DBS notes.[9]

5. On July 28, 2026, the Fund was created and funded as required by our orders.[10]

6. *Discussion.* We take this opportunity to clarify that a claim for repayment of monies provided to DISH Wireless or other EchoStar subsidiaries or affiliates does not meet the definition of a Fund Claim, as that term is used in Appendix B of our orders—it is not "amounts due [the creditor] for the construction, operation, maintenance, building, decommissioning, and/or provisioning of goods or services related to or arising out of the communications sites and/or communications network associated with certain of the licenses being assigned in the transaction[s] at issue."[11] This is true whether the monies came from stockholders, bondholders, lenders, or other EchoStar subsidiaries or affiliates (*e.g.*,

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[2] *In re DISH DBS Corp.*, Case No. 26-90627 (Bankr. S.D. Tex.).

[3] Disclosure Statement for the Modified Joint Prepackaged Chapter 11 Plan of Dish DBS Corporation, Dish Wireless L.L.C., and Their Respective Affiliated Debtors and Debtors in Possession, *In re DISH DBS Corp.*, Case No. 26-90627, Docket No. 495, at 2 (Bankr. S.D. Tex. Jul. 22, 2026) (Disclosure Statement).

[4] *Id.* at 31–32.

[5] *Id.* at 4–5.

[6] *Id.* at 31–32.

[7] *Id.* at 75.

[8] *See* Letter from Rebekah P. Goodheart, Counsel to WIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 25-303, GN Docket No. 25-302 (July 20, 2026); Letter from American Wireless Builders Coalition to Marlene H. Dortch, Secretary, FCC, GN Docket No. 25-302 (July 27, 2026); Letter from Philip Dublin, Proposed Counsel to the Official Committee of Unsecured Creditors of DISH DBS Corp., DISH Wireless, L.L.C. et al., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 25-303, GN Docket No. 25-302 (July 29, 2026).

[9] *See* Letter from Philip Dublin, Proposed Counsel to the Official Committee of Unsecured Creditors of DISH DBS Corp., DISH Wireless, L.L.C. et al., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 25-303, GN Docket No. 25-302 at 2, citing Disclosure Statement at 17–25, 106–07.

[10] *See* EchoStar Corp., SEC Form 8-K at Item 8.01 (July 28, 2026); Notice of Closing of AT&T Transactions and Funding of FCC Trust, *In re DISH DBS Corp.*, Case No. 26-90627, Docket No. 584 (Bankr. S.D. Tex. July 28, 2026).

[11] *See AT&T-EchoStar Order* at Appendix B, para. 5; *SpaceX-EchoStar Order* at Appendix B, para.5.

through an intercompany transfer). The purpose of the Fund is to pay those entities (including general contractors) that performed the work of building EchoStar's 5G network, not those that provided EchoStar the funds to do so, even if providing that money was necessary for the work to be performed. To the extent necessary, we hereby explicitly modify the trust process to exclude such claims from the definition of a Fund Claim.[12] To avoid similar problems and to ensure that the intent in creating the fund condition is fulfilled, we also modify the definition of a Fund Claim to exclude any claims on behalf of EchoStar or its subsidiaries or affiliates, or any assignee thereof.[13] The purpose of requiring EchoStar to create the Fund was to ensure that some of the tens of billions of dollars EchoStar is receiving for its wireless licenses be used to pay those who built the 5G network that EchoStar promised and was required to build as a condition on holding those licenses. That purpose is not realized if EchoStar pays the money to itself (directly or indirectly), or uses it to pay other of its debts or those of its subsidiaries or affiliates.

7. We emphasize we take no position on the underlying validity of the DISH Network Corporation claim. We simply state here that such a claim does not meet the definition of a Fund Claim and may not be paid out of the Fund.

8. **ACCORDINGLY, IT IS ORDERED**, pursuant to Paragraph 9 of Appendix B of the May 12, 2026, Memorandum Opinion and Order in these proceedings,[14] that EchoStar and the Trustee, Bank of New York Mellon, shall modify their trust agreement in accordance with this Order.

9. **IT IS FURTHER ORDERED** that the Trustee shall determine and process claims in accordance with our prior orders and with this Order.

10. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief, Wireless Telecommunications Bureau

[12] *See AT&T-EchoStar Order* at Appendix B, para. 9 ("The Bureau retains jurisdiction to require the modification of the process described in this appendix, including, without limitation, regarding the determination of a Fund Claim.").

[13] For example, the $8.8 billion claim discussed in this Order is no longer held by DISH Network Corp., an EchoStar subsidiary, but has been assigned to a trust for the benefit of certain creditors of DISH DBS Corp., a different EchoStar subsidiary. Because the claim arose from a purported loan from an EchoStar subsidiary, it does not meet the definition of Fund Claim as now modified by this Order.

[14] *AT&T-EchoStar Order* at Appendix B, para. 9.