

FEB 09 1990

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Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004-2505

Attention: James F. Rogers

Reference: Request for Section 319(d) Waiver to Construct a Ground Spare for
the Galaxy Satellite System (File No. 16-DSS-MISC-90)

Dear Mr. Rogers:

This is in response to your January 10, 1990 letter, filed on behalf of Hughes Communications Galaxy, Inc. (HCG), requesting a waiver pursuant to Section 319(d) of the Communications Act, 47 U.S.C. § 319(d), to begin construction of a hybrid 4/6 GHz and 12 14 GHz domestic fixed-satellite to serve as a ground spare for the Galaxy satellite system. In an accompanying application, HCG requests authority to construct a hybrid ground spare to provide it with the ability to replace promptly any of its satellites that experiences a launch or an in-orbit failure. HCG requests a Section 319(d) waiver to allow it to make expenditures of up to \$30 million to begin to construct this hybrid pending Commission action on the underlying application.

In support of the waiver request, you assert that given the number of HCG satellites scheduled for launch in the next few years, ground spare construction must begin immediately if the spare is to provide launch protection. You state that any delay would hinder HCG's business plans and would restrict HCG's ability to provide services to the public promptly in the event of a launch failure.

We grant your request in view of the time frame involved and the fact that no additional orbital locations are involved. We expect, as you stated in your waiver request, that any expenditures made before the ground spare application is acted upon will be at HCG's own risk.

Accordingly, pursuant to Section 0.291 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.291, Hughes Communications Galaxy, Inc. is granted a waiver pursuant to Section 319(d) of the Communications Act,

47 U.S.C. § 319(d), to expend, at its own risk, up to \$30 million to begin to construct the hybrid ground spare described in its pending application. (File No. 14-DSS-P-90). This action is without prejudice to future Commission action on that application.

Sincerely,

James R. Keegan
Chief, Domestic Facilities Division
Common Carrier Bureau

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2/09/90