

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of Application by )  
 )  
HUGHES COMMUNICATIONS GALAXY, INC. ) File No. 133-SAT-AMEND-96  
 )  
For Interim Authority to Use Capacity on the )  
Brasilsat A-1 Satellite )

Received  
SEP 10 1996

Satellite Policy Branch  
International Bureau

**REPLY COMMENTS OF GE AMERICAN COMMUNICATIONS, INC.**

GE American Communications, Inc. ("GE Americom"), by its attorneys, hereby submits its reply regarding the proposed amendment of Hughes Communications Galaxy, Inc. ("HCG") to the above-captioned Application. In light of additional information that has been provided by HCG, GE Americom has no objection to granting HCG interim authority to use Brasilsat A1 at the 79° W.L. location, provided that such authority is limited to the lesser of two years or until launch of the U.S. satellite authorized for that location.

In our comments, GE Americom indicated that we do not oppose HCG's request provided that its authority to operate Brasilsat A1 at 79° W.L. is conditional and fully protects GE Americom's rights to that orbital position. Because the assurances provided by HCG in the application were ambiguous, we asked that the Commission grant HCG's request only if HCG clearly stated that Brasilsat A1 will either be moved from the 79° W.L. position or decommissioned upon launch of the U.S. satellite assigned to that orbital location. In addition, we noted that the

Commission should take action to ensure that the Brazilians were aware that permitting Brasilsat A1 to move to 79° would be strictly temporary and would not create any Brazilian rights to that location.

In response to GE Americom's comments, HCG expressly committed that "once the U.S. satellite assigned to 79° W.L. is launched and ready to use that location, HCG will cause the Brasilsat A1 satellite either to be moved out of the 79° W.L. position or to cease transmissions."<sup>1</sup> HCG also attached documents from EMBRATEL and from the Brazilian Communications Ministry. The letters confirm that these parties are aware of U.S. rights to the 79° W.L. location. Furthermore, the letters expressly acknowledge that consistent with its agreement with HCG, EMBRATEL will move Brasilsat A1 from the 79° W.L. orbital position when a U.S. satellite is launched into that position.<sup>2</sup> These statements satisfy GE Americom's concern that U.S. rights to the 79° W.L. location be protected.

We note, however, that HCG has requested authority to use Brasilsat A1 at 79° W.L. for two years. That period is acceptable only provided that launch of an authorized U.S. satellite into the 79° W.L. location does not occur within that time frame. HCG must be required to effect a move of Brasilsat A1 as

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<sup>1</sup> Letter of John P. Janka and Donald A. Fishman to Fern J. Jarmulnek dated August 29, 1996 at 2.

<sup>2</sup> See Letter of Luiz Francisco T. Perrone of EMBRATEL to Thomas S. Tycz dated June 26, 1996; Letter from Brazilian Ministry of Communications to Thomas S. Tycz dated July 10, 1996.

soon as an authorized U.S. satellite is launched into that position, should that occur within the requested two years.

The Commission has already recognized this in acting on HCG's STA request. The STA letter explicitly orders HCG to "terminate operations on Brasilsat A1 immediately upon launch of the U.S. satellite regularly assigned to 79° W.L."<sup>3</sup> The same language should be included in any grant of HCG's application for interim authority. Based on the further representations of HCG and the associated attachments, GE Americom has no objection to HCG's request provided that it is so conditioned.

Respectfully submitted,

GE AMERICAN COMMUNICATIONS, INC.

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September 6, 1996

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<sup>3</sup> Letter of Thomas S. Tycz to Teresa D. Baer dated July 17, 1996 at 2.

## CERTIFICATE OF SERVICE

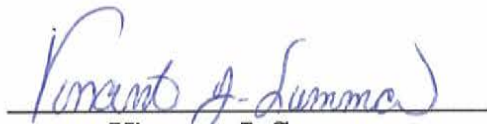
I hereby certify that on this 6th day of September, 1996, a copy of the foregoing Reply Comments of GE American Communications, Inc. was served by first class mail, postage prepaid addressed to the following:

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