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August 29, 1996

## BY HAND DELIVERY

Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, DC 20554

Attention: Fern J. Jarmulnek, Chief  
Satellite Policy Branch  
Satellite and Radiocommunication Division  
International Bureau

Re: Comments of GE American Communications, Inc. to Amendment of Hughes Communications Galaxy, Inc.'s Application for Interim Authority to Use Capacity on the Brasilsat A1 Satellite (File No. 152-SAT-ITC-95)

Dear Ms. Jarmulnek:

On behalf of our client, Hughes Communications Galaxy, Inc. ("HCG"), we are submitting this letter to confirm HCG's intentions regarding its proposed use of capacity on the Brasilsat A1 satellite pursuant to the above-referenced application. HCG filed an amendment to this application on June 14, 1996 to request use of capacity at 79° W.L., rather than at 63° W.L. as previously requested.

Significantly, no party has opposed HCG's amendment to its application. The only party to comment on this amendment, GE American Communications, Inc. ("GE Americom"), does not oppose HCG's proposal as long as any interim authority grant fully protects GE Americom's rights to use the 79° W.L. orbital location for its authorized GE-5 spacecraft. GE Americom merely seeks some assurances from HCG that Brasilsat A1 will vacate 79° W.L. when

Received

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Satellite Policy Branch  
International Bureau

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Fern J. Jarmulnek  
August 29, 1996  
Page Two

GE Americom is ready to launch its spacecraft into that location. HCG submits this letter to confirm its previously-stated intentions and to fully address each of GE Americom's concerns.

HCG, in its June 14 amendment, acknowledged both GE Americom's FCC authorization to launch its GE-5 satellite into the 79° W.L. location and the need for Brasilsat A1 to cease operations at that location when GE Americom is ready to occupy the location. Furthermore, HCG's lease with the Brasilsat A1 satellite's owner, EMBRATEL, obligates EMBRATEL to move Brasilsat A1 to another location at HCG's request. HCG has also sought and obtained written acknowledgements from EMBRATEL and the Brazilian Ministry of Communications of the U.S.'s prior rights to locate a satellite at that location. Attached as Exhibit A is a letter from Luiz Francisco T. Perrone, Director of Telecommunications Services for EMBRATEL, to the Commission, dated June 26, 1996, containing numerous acknowledgments of the rights of a U.S. satellite to be located at 79° W.L. and assuring the Commission that EMBRATEL will act in accordance with HCG's demands (pursuant to the lease agreement) to move Brasilsat A1 or cease interference once a U.S. satellite is ready to occupy the 79° W.L. location. Attached as Exhibit B is a letter from the Brazilian Ministry of Communications to the Commission similarly recognizing the prior rights of a U.S. satellite at the 79° W.L. location.

HCG has again informed us 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. Thus, GE Americom's concerns have been fully addressed, and the Commission should grant HCG interim authority to use capacity on the Brasilsat A1 satellite, at the 79° W.L. location, for a period of two years for the temporary provision of service on a non-common carrier basis as part of HCG's U.S. satellite system. The Commission further should allow all U.S. licensed earth stations to communicate with the Brasilsat A1 satellite during the period of HCG's interim authority pursuant to the ALSAT designation in their licenses.

Sincerely yours,



John P. Janka  
Donald A. Fishman  
of LATHAM & WATKINS

Enclosures (2)

cc: Kathleen Campbell  
Peter A. Rohrbach (counsel for GE Americom)

DECLARATION OF CARL A. BROWN

1. I am Senior Vice President of Hughes Communications Galaxy, Inc.
2. I have read the attached letter to Fern J. Jarmulnek, Chief, Satellite Policy Branch, Satellite and Radio Communications Division, International Bureau, Federal Communications Commission, from John P. Janka, dated August 29, 1996, regarding Brasilsat A1 and confirm that the facts stated therein are true and accurate.
3. I state under penalty of perjury that the foregoing is true and correct.

Executed on August 28, 1996

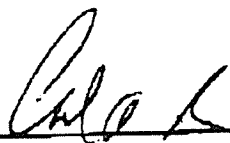
  
\_\_\_\_\_  
Carl A. Brown

EXHIBIT A

CT.DS - 022 /96

Rio de Janeiro , June 26 , 1996

To  
Mr. Thomas S. Tycz  
Chief, Satellite and Radiocommunication Division  
International Bureau  
Federal Communications Commission

Re: Relocation of Brasilsat A1 to 79° W.

Dear Mr. Tycz

We have an agreement with HUGHES Communications Galaxy ( HCG ) for the lease of all of the capacity on our A1 C- band satellite, which was signed in October 02, 1995

In accordance with the terms of the above mentioned Agreement, the A1 satellite remained at 63° W. and was pointed over US territory in order to provide services for HCG customers.

In conformance with the terms of the Agreement, EMBRATEL was requested by HCG to relocate the A1 satellite to a new position at 79° W.

We would like to confirm the willingness of EMBRATEL to abide by certain operational terms in order to allow the Brasilsat A1 satellite to provide services within the United States from the 79° W slot. Specially, EMBRATEL would like to make clear that:

- a) We understand that the US Administration has made appropriate filings at ITU with respect to operation of a US licensed C and Ku band satellite at 79° W;
- b) Should a US satellite be located at 79° W. EMBRATEL, upon receiving such notification and so directed by HCG as per Agreement, will move the Brasilsat A1 satellite to another orbital position defined by HCG. Please note that EMBRATEL's obligation to relocate the satellite is covered by the Agreement signed with HCG;
- c) As the user of all capacity on Brasilsat A1, HCG is fully responsible to ensure that Brasilsat A1 does not cause unacceptable interference into any US satellite adjacent to 79 W ;
- d) It is also EMBRATEL's understanding that HCG, which has all rights to carry traffic on Brasilsat A1, will not claim protection from harmful interference in A1 from the operation of any US satellite at an orbital location adjacent to 79° W. , nor will EMBRATEL claim any such interference protection as the owner of the satellite.

Thank you in advance for your consideration of this matter.

Sincerely yours,



Luiz Francisco T. Perroane  
Director of Telecommunications Services  
EMBRATEL

EXHIBIT B

MINISTÉRIO DAS COMUNICAÇÕES - MC  
SECRETARIA DE ADMINISTRAÇÃO DE RADIOFREQUÊNCIAS - SAR

Ct. Nº 58 /DND/CGF/SAR/MC

Brasília, July 10, 1996

To: Mr. Thomas S. Tyez  
Chief, Satellite and Radio-communication Division  
International Bureau  
Federal Communications Commission  
2025 M Street, N. W.  
Washington, D.C. 20554

Fax: +1 202 418 0748

Subject: Relocation of Brasilsat A1 to 79° W.L.

Dear Mr. Tyez,

We understand that the Federal Communications Commission (FCC) has received an application from Hughes Communications Galaxy, Inc. (Hughes) to utilize capacity on the Brasilsat A1 C band satellite to provide satellite service to the United States from the 79° W.L. location. Brasilsat A1 is currently operating at 63° W.L. and is licensed to EMBRATEL. Hughes has entered into an agreement with Embratel to lease all of the transponder capacity on Brasilsat A1. Hughes has the right under that agreement to require Embratel to relocate Brasilsat to 79° W.L. and has requested Embratel to move the satellite to that location.

We also understand that the Administration of the United States has made appropriate filings at the International Telecommunications Union with respect to the operation of a United States licensed C and Ku band satellite at 79° W.L.

We therefore are seeking the concurrence of the FCC to operate Brasilsat A1 to 79° W.L. on a temporary basis, subject to the following conditions:

(1) Should a U.S. satellite be located at 79° W.L., upon the request of Hughes, EMBRATEL will move its satellite to another orbital position or take other appropriate action to ensure that the U.S. satellite at 79° W.L. will not be subject to any unacceptable interference from Brasilsat A1;

(2) As the user of all of the transponder capacity on Brasilsat, Hughes is fully responsible to ensure that operations on Brasilsat A1 do not cause unacceptable interference into any U.S. satellite adjacent to 79° W.L., and

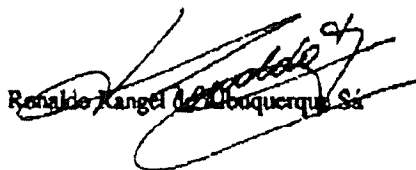
(3) Neither Brazil nor EMBRATEL will claim protection from harmful interference into Brasilsat A1 from the operation of any U.S. satellite at an orbital location adjacent to 79° W.L.

It has to be understood that the above set of conditions apply to the present case, when the Brasilsat A1 satellite is pointed over the United States territory.

Attached is a letter from EMBRATEL confirming its agreement to these terms. I would appreciate receiving your concurrence as soon as possible to the operation of Brasilsat A1 at 79° W.L. in accordance with the foregoing.

Thank you in advance for your consideration of this matter.

Sincerely yours,

  
Ronaldo Rangel de Albuquerque Sá

Copy: EMBRATEL (Luiz Carlos F. Mattos)

Fax: 021-519-8831

HUGHES COMMUNICATIONS GALAXY (Bernard Velerek)

Fax: +1-310-525-5460