

ORIGINAL

LATHAM & WATKINS

ATTORNEYS AT LAW

1001 PENNSYLVANIA AVE., N.W., SUITE 1300
WASHINGTON, D.C. 20004-2505
TELEPHONE (202) 637-2200
FAX (202) 637-2201
TLX 590775
ELN 62793269

PAUL R. WATKINS (1899-1973)
DANA LATHAM (1898-1974)

CHICAGO OFFICE

SEARS TOWER, SUITE 5800
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 876-7700
FAX (312) 993-9767

LONDON OFFICE

ONE ANGEL COURT
LONDON EC2R 7HJ ENGLAND
TELEPHONE + 44-71-374 4444
FAX + 44-71-374 4460

LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE (213) 485-1234
FAX (213) 891-8763

MOSCOW OFFICE

113/1 LENINSKY PROSPECT, SUITE C200
MOSCOW 117198 RUSSIA
TELEPHONE + 7-503 956-5555
FAX + 7-503 956-5556

NEW JERSEY OFFICE

ONE NEWARK CENTER
NEWARK, NEW JERSEY 07101-3174
TELEPHONE (201) 639-1234
FAX (201) 639-7298

NEW YORK OFFICE

885 THIRD AVENUE, SUITE 1000
NEW YORK, NEW YORK 10022-4802
TELEPHONE (212) 906-1200
FAX (212) 751-4864

ORANGE COUNTY OFFICE

650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CALIFORNIA 92626-1925
TELEPHONE (714) 540-1235
FAX (714) 755-8290

SAN DIEGO OFFICE

701 "B" STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8197
TELEPHONE (619) 236-1234
FAX (619) 696-7419

SAN FRANCISCO OFFICE

805 MONTGOMERY STREET, SUITE 1900
SAN FRANCISCO, CALIFORNIA 94111-2562
TELEPHONE (415) 391-0600
FAX (415) 395-8095

June 14, 1996

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Satellite Policy Branch
International Bureau

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JUN 14 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BY HAND DELIVERY

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

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

133-SAT-AMEND-96

Re: Amendments to Request of Hughes Communications Galaxy, Inc. for
Authority To Use Capacity on the Brasilsat A1 Satellite

EXPEDITED ACTION REQUESTED

Dear Ms. Jarmulnek:

Enclosed on behalf of Hughes Communications Galaxy, Inc. ("HCG") are an original and four copies of (i) an amendment to HCG's pending April 16, 1996 request for further special temporary authority to use capacity on the C band Brasilsat A1 satellite for U.S. service, and (ii) an amendment to HCG's pending September 28, 1995 Application for Interim Authority with respect to Brasilsat, File No. 152-SAT-95.

In light of the urgent need for C band capacity to serve the United States, and the additional circumstances set forth in the amendments, HCG requests grant of a further STA on an expedited basis, and in no event later than July 18, 1996. As set forth more fully in the enclosed documents, the purpose of these amendments is to request authority to utilize

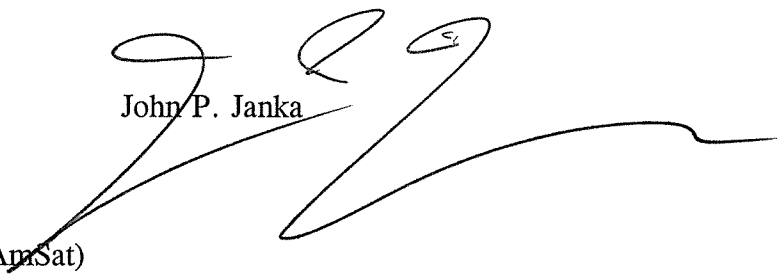
Federal Communications Commission
June 14, 1996
Page 2

capacity on Brasilsat from 79° W.L., instead of the 63° W.L. location specified in the underlying requests.

Because the Commission's rules do not specify a filing fee for the enclosed amendments, we are filing these amendments in Washington. For timing reasons, we are filing a facsimile copy of the signature pages. We will substitute the original signature pages promptly.

Please contact me if you have any questions.

Very truly yours,


John P. Janka

cc: Kathleen Campbell
FCC, Laurel, Maryland
Henry Goldberg (counsel for PanAmSat)

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JUN 14 1996

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of the Application of _____
HUGHES COMMUNICATIONS GALAXY, INC. _____
For Interim Authority To Use Capacity on the _____
Brasilsat A1 Satellite _____

File No.:
133-SAT-AMEND-1196 9 1996

Received

Satellite Policy Branch
International Bureau

AMENDMENT TO APPLICATION FOR INTERIM AUTHORITY

Hughes Communications Galaxy, Inc. ("HCG") hereby amends its pending application in the above-captioned proceeding.

On September 28, 1995, HCG filed an application for interim authority to use capacity on the C band Brasilsat A1 fixed-service communications satellite, at the 63° W.L. orbital location, for the temporary provision of service on a non-common carrier basis as part of HCG's U.S. satellite system.^{1/} HCG further requested that the Commission allow all U.S. earth station licensees to communicate with the Brasilsat A1 satellite during the period of HCG's interim authority pursuant to the ALSAT designation in their licenses. In its application, HCG demonstrated why grant of the requested authority for a two-year period would greatly serve the public interest by making immediately available much-needed C band capacity to serve the United States. HCG's application remains pending.

In addition, in light of the urgent need for C band capacity, on September 28, 1995, HCG requested Special Temporary Authority to use capacity on Brasilsat A1 while

^{1/} See FCC File No. 152-SAT-ITC-95.

HCG's underlying application was being processed. The Commission orally granted an STA on October 17, 1995 and confirmed that grant in writing on February 13, 1996.^{2/} On April 16, 1996, HCG filed for a six-month extension of its existing STA.

By this amendment, HCG still proposes to utilize Brasilsat A1 to relieve the current shortage of C band capacity, but HCG now proposes to serve the U.S. from the 79° W.L. location, instead of the 63° W.L. location, as originally requested.^{3/} As the Commission is well aware, the U.S. satellite industry continues to experience a severe shortage of C band capacity. In 1994 and 1995, the industry removed almost 200 C band transponders from service. Moreover, HCG's entire C band capacity---even the just-launched Galaxy IX---is fully committed, as is the C band capacity of the other domestic FSS operators. Until the launch of other new satellites just authorized in the C/Ku band FSS satellite processing round, this shortage of capacity will continue and could worsen, particularly since it is not clear when additional U.S. C band capacity will next be launched. Use of the Brazilian capacity for U.S. service provides a partial interim solution to this problem.

HCG now proposes to use Brasilsat A1 at 79° W.L. instead of 63° W.L. Although HCG has diligently attempted to market capacity at 63° W.L., HCG's customers have been unable to successfully utilize Brasilsat A1 at that location for two main reasons:

^{2/} See letter dated February 13, 1996 from Chief, Satellite and Radiocommunication Division, International Bureau, to counsel to HCG.

^{3/} In light of the continuing urgent need for C band capacity to serve the United States, and the additional circumstances set forth below, HCG simultaneously is modifying its pending request for renewed special temporary authority to provide for the use of transponders on Brasilsat A1 satellite at 79° W.L., instead of 63° W.L.

(i) the 63° W.L. location does not provide good elevation angles for earth stations located on the west coast, and (ii) many existing U.S. earth stations are installed in a manner that does not allow them to be steered so they can "see" locations as far east as 63° W.L. The 79° W.L. location is the nearest available alternate orbital location that is suitable for many of HCG's customers.

HCG acknowledges that the Commission has authorized GE Americom to launch GE-5 into the 79° W.L. location,^{4/} and that Brasilsat A1 will need to cease operations at 79° W.L. when GE is ready to occupy that location. By the terms of its lease of capacity on Brasilsat A1 from EMBRATEL, HCG is able to ensure that if a U.S. satellite should be located at 79° W.L., EMBRATEL will move Brasilsat A1 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. In addition, as the user of capacity on Brasilsat A1, HCG stands ready to coordinate in good faith the operations of Brasilsat A1 at 79° W.L. with adjacent satellites to avoid the occurrence of harmful interference.

For the foregoing reasons, and the reasons stated in HCG's September 28, 1995 application, the Commission should grant HCG interim authority to use capacity on the C band Brasilsat A1 FSS 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

^{4/} See Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, DA 96-713 (released May 7, 1996).

to communicate with the Brasilsat A1 satellite during the period of HCG's interim authority pursuant to the A1.SAT designation in their licenses.

Respectfully submitted,

HUGHES COMMUNICATIONS GALAXY, INC.


By: Carl A. Brown
Carl A. Brown
Senior Vice President

June 14, 1996

CERTIFICATION

IICG certifies that neither HCG, nor its parent company, Hughes Communications, Inc. ("HCI"), nor any of the officers or directors of HCG or HCI, is subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti Drug Abuse Act of 1988, 21 U.S.C. § 862.

HUGHES COMMUNICATIONS GALAXY, INC.

By: 

Carl A. Brown
Senior Vice President

June 14, 1996