

Approved by OMB
3060-0678

Date & Time Filed: Mar 6 2006 6:04:36:183PM
File Number: SAT-AMD-20060306-00025

52663

Spaceway-3 @ 94.95

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM	FCC Use Only
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

Hughes - 95W Ka-Band Minor Amendment (3/2006)

1-8. Legal Name of Applicant

Name:	Hughes Communications, Inc.	Phone Number:	301-601-7226
DBA Name:		Fax Number:	
Street:	11717	E-Mail:	jread@hns.com
City:	Germantown	State:	MD
Country:	USA	Zipcode:	20876 -
Attention:	Ms Joslyn Read		

see also: SAT-MOD-20050523-00106



File # SAT-AMD-20060306-00025

Call Sign 52603 Grant Date June 29, 2006
(or other identifier)

Term Dates
From _____ To: 15 yrs from launch

Approved: [Signature]
Policy Branch Chief



Attachment ANTENNA
Conditions of Authorization
June 29, 2006

File # SAT-AMD-20060306-00025
Call Sign S2662 Grant Date June 29, 2006
(or other identifier) Term Dates 15 yrs from award
From _____ To: ~~_____~~
Approved: [Signature]
Policy Branch Chief

Hughes Communications, Inc.¹ ("HNS") modification request,² IBFS File Nos. SAT-MOD-20050523-00106, as amended by SAT-AMD-20060306-00025, Call Sign: S2663, to change the orbital location from 95° W.L to 94.95° W.L., to reduce the bandwidth on the satellite,³ and to deploy one Ka-band satellite, SPACEWAY-3, in lieu of the two satellites previously authorized⁴ IS GRANTED. Accordingly, HNS is authorized to construct, launch, and operate its SPACEWAY-3 Ka-band satellite at the 94.95° W.L. orbit location operating in the 19.7-20.2 GHz (space-to-Earth) and 29.5-30.0 GHz (Earth-to-space) frequency bands in accordance with the terms, conditions, and technical specifications set forth in its application, the Federal Communication Commission's (Commission) rules, and the conditions below.⁵

1. The SPACEWAY-3 satellite must be constructed, launched, and placed into operation in accordance with the milestones imposed in the initial authorization, IBFS File No. SAT-LOA-20050214-00038 (condition 2 of April 19, 2005 grant).⁶ Failure to meet the milestones⁷ imposed in the initial authorization shall render this authorization null and void.

¹ This application had originally been filed by SkyTerra Communications, Inc. (SkyTerra). Pursuant to an August 2005 application for *pro forma* assignment of license, the license of SkyTerra Communications, Inc. (See File No. SAT-LOA-20050214-00038, Grant Stamp, April 19, 2005) was assigned to SkyTerra Holdings, Inc. (See File No. SAT-ASG-20050826-00168). In December 2005, SkyTerra Holdings, Inc. informed the Commission that its name had changed to Hughes Communications, Inc. See Letter dated December 20, 2005, from counsel for Hughes and SkyTerra to the Secretary of the Commission, in respect to File No. SAT-ASG-20050826-00168. For ease of reference, all references to the licensee in this action will be to "HNS."

² The modification and amendment were both placed on public notice and no comments were filed. See Policy Branch Information, Satellite Space Applications Accepted for Filing, *Public Notice*, Report No. SAT-00310 (rel. July 22, 2005); Satellite Space Application Accepted for Filing, *Public Notice*, SAT-00347 Report No. (rel. March 10, 2006).

³ This amounts to an overall reduction of one gigahertz in bandwidth from what the Commission previously authorized for HNS's Ka-band service links (Call Sign: 2663). Previously, HNS was authorized to operate in the following frequencies: 28.35-28.6 GHz and 29.25-30.0 GHz bands for its service uplinks, and 18.3-18.8 GHz and 19.7-20.2 GHz for its service downlinks. Accordingly, as of the date of the Public Notice announcing this action, the 28.35-28.6 GHz and 18.3-18.8 GHz frequency bands at the 95° W.L. orbital location are now available to other applicants.

⁴ Although the Commission granted an authorization to SkyTerra for the second satellite at 95° W.L., SAT-LOA-20050216-00040 S2664, SkyTerra never filed a bond on that authorization. See Policy Branch Information, Actions Taken, *Public Notice*, DA No. 05-1545, Report No. SAT-00294 (rel. May 27, 2005) (informative note indicating that no bond was filed and the authorization was null and void by its own terms).

⁵ For the sake of clarity, all relevant technical conditions included in the earlier grant are repeated in this grant with the exception of the milestones. The milestones included in the initial authorization remain in effect.

2. HNS's request for partial waiver of 47 C.F.R. § 25.114(c)(4)(iii), as it applies to Section S10⁸ of the FCC Schedule S Form IS GRANTED. Section 25.114(c)(iii) requires applicants to identify which antenna beams are connected or switchable to each transponder and to the telemetry, tracking and command operations (TT&C). HNS states the SPACEWAY-3 spacecraft uses onboard signal processing, which means that signals from any uplink beam can be dynamically routed via an onboard packet switch to any downlink beam, and there are over 1600 possible half-link connections. HNS requests a partial waiver of this requirement because it is impracticable to provide a complete list of all possible interconnections between transponders and antenna beams, and a representative showing, as HNS has provided, is sufficient. Considering the complexity of the SPACEWAY-3 satellite design, the amount of information that would need to be provided in this Section of the Schedule S Form would be extensive and, in many ways, redundant. We find that the information provided by HNS in its Schedule S Form is sufficient for us to determine that the system meets the Commission's technical requirements and accordingly that grant of the partial waiver request is in the public interest.

3. HNS's request for waiver of 47 C.F.R. § 25.114(c)(4)(vii) of the Commission's Rules requiring applicants to provide the predicted receiver and transmitter channel filter response characteristics IS GRANTED. HNS states that because the SPACEWAY-3 spacecraft uses a 1500 element phased array transmitting antenna, as inherent of its design, it cannot provide the transmitter channel filter response characteristics. HNS also states that a waiver is warranted because the out-of-band emissions from the spacecraft do not exceed the transmitter emission limits, as specified in Sections 25.202(f)(1), (f)(2), and (f)(3) of the Commission's Rules. Based on the design of the SPACEWAY-3 spacecraft, along with their Schedule S certification of compliance with Sections 25.202(f)(1), (f)(2), and (f)(3) of the Commission's Rules, there is sufficient justification for the waiver request. Therefore grant of the HNS request for waiver of 47 C.F.R. § 25.114(c)(4)(vii) is appropriate in this instance.

4. HNS's request for partial waiver of 47 C.F.R. § 25.114(d)(3), as it applies to Section S8⁹ of the FCC Schedule S Form IS GRANTED. Section 25.114(d)(3) requires applicants to provide the predicted space station antenna gain contour(s) for each transmit and each receive antenna beam and nominal orbital location requested. HNS has provided the required plots for the SPACEWAY-3 TT&C receive and transmit antenna beams and the wideband transmit beam, but states that it is impracticable to provide the required plots for each transmit and receive antenna beam on the satellite. SPACEWAY-3 has 112 receive spot beams and will operate with either 784 transmit spot beams or one wide area transmit coverage beam. HNS indicates that it would be unduly burdensome to provide the antenna gain contours for each transmit and receive antenna on the satellite. In lieu providing that information, HNS has provided a representative

⁶ See SkyTerra Communications, Inc. Application for Authority to Construct, Launch, and Operate Two Collocated Geostationary Satellites in the Fixed-Satellite Service Using the Ka-Band at the 95° W.L. Orbital Location, File No. SAT-LOA-20050214-00038. Policy Branch Information, Actions Taken, *Public Notice*, Report No. SAT-00287, DA No. 05-1130 (rel. April 22, 2005).

⁷ HNS has pending a separate request for a declaration that it has meet the first three milestones. See Hughes Communications, Inc. filed a Demonstration of Compliance with Satellite Implementation Milestones, filed on April 19, 2006.

⁸ This section of Schedule S contains information regarding space station transponders.

⁹ This section contains information regarding antenna beam diagrams.

plot for both the uplink and downlink spot beam. Considering the complexity of the SPACEWAY-3 satellite design, the amount of information that would need to be provided in this Section of the Schedule S Form would be extensive and, in many ways, redundant. Because the information provided by HNS in its Schedule S Form is sufficient for us to determine whether the system meets the Commission's technical requirements, we grant HNS's request for a partial waiver of Section 25.114(d)(3).

5. HNS's request for partial waiver of 47 C.F.R. § 25.114(c)(4)(ii), as it applies to Section S7(m)¹⁰ of the FCC Schedule S Form IS GRANTED. Section 25.114(c)(4)(ii) requires applicants to provide emission designators, allocated bandwidth of emission, and final amplifier output power information for their proposed satellite system in FCC Form 312 and Schedule S. HNS has provided all such information except for the final amplifier output power and losses to the spacecraft transmit antenna that are called for in the rule. The satellite is designed to use an active phased-array space station transmit antenna with 1500 elements, not a typical set of single high-power amplifiers, and the directivity and power from the array is a result of the contribution of all the active elements. Based upon this design, HNS has established that it is not possible to provide the typical final amplified output power information we request in our rules. Accordingly, we concur that a waiver of this information requirement is appropriate in this instance.

6. HNS's request for waiver of 47 C.F.R. § 25.114(c)(4)(v), as it applies to Section S7(p)¹¹ of the FCC Schedule S Form IS GRANTED. Section 25.114(c)(4)(v) requires applicants to provide the relationship between satellite receive antenna gain pattern, gain-to-temperature ratio ("G/T"), and saturation flux density ("SFD") for each antenna beam. Because the satellite is designed to use an on-board signal processor, it does not have conventional transponders to saturate. The receivers on the spacecraft dynamically either amplify or attenuate the input signal from the earth station in order to ensure that the signal level is appropriate for down conversion and decoding. Accordingly, HNS has established that it is not possible to provide the relationship between the satellite's receive antenna gain pattern, G/T, and SFD for each antenna beam. Considering the complexity of the SPACEWAY-3 satellite design, and the information provided by HNS in its explanation of its waiver request, we find that waiver is appropriate in this instance.

7. HNS's request for partial waiver of 47 C.F.R. § 25.114(c)(4)(vi) of the Commission's Rules IS GRANTED. Section 25.114(c)(4)(vi) requires applicants to provide the gain of each transponder channel (between output of receiving antenna and input of transmitting antenna), including any adjustable gain-step capabilities. The SPACEWAY-3 satellite is designed to demodulate all of the packets received and accordingly there is a disconnect between the output of receiving antenna and input of transmitting antenna that precludes the calculation of a gain value. Considering the complexity of the SPACEWAY-3 satellite design, and the information provided by HNS in its explanation of its waiver request, we find that waiver is appropriate in this instance.

¹⁰ This section of schedule S contains information regarding space station antenna beam characteristics for each beam of a satellite system. Subsection (m) contains information on the maximum EIRP of the transmit antenna.

¹¹ This section of schedule S contains information regarding space station antenna beam characteristics for each beam of a satellite system. Subsection (p) contains information on the minimum saturation flux density.

8. HNS's request for partial waiver of 47 C.F.R. § 25.202(g)¹² of the Commission's Rules is GRANTED as conditioned. Section 25.202(g) requires applicants to conduct TT&C functions for U.S. domestic satellites at either or both edges of the allocated band(s) and to select frequencies, polarization, and coding that minimizes interference into other satellite networks and within one's own satellite system. HNS claims they have selected its frequencies, polarizations, and coding in an effort to minimize intersystem and intrasystem interference. HNS has proposed to provide within band TT&C but with two command frequencies approximately 14 megahertz from the band edge and two beacon carriers frequencies approximately 25-35 megahertz from the band edge. HNS states the internal design of the spacecraft does not allow for the command beacon carriers at the band edge. In light of the advanced design and construction of the satellite and HNS statement that the TT&C command and beacon signals will be transmitted so as to have an EIRP density less than the levels specified in Section 25.138 of the Commission's rules, we grant the waiver request.¹³ This grant is conditioned, however, on HNS operations of the command and beacon frequencies on a non-interference basis. Because HNS's operations do not conform to our rules, HNS must accept any interference from any non-Federal or Federal station authorized to use these same frequencies. In addition, HNS shall not cause harmful interference to any authorized non-Federal space station operating in compliance with Section 25.202(g), the Table of Allocations, the Ka-band plan, or authorized Federal FSS GSO or NGSO system, and shall immediately cease operations upon notification of such harmful interference resulting from its operations. Accordingly, with respect to these TT&C operations, HNS will operate at its own risk on an unprotected basis.

9. HNS's request for waiver of 47 C.F.R. § 25.210(i) of the Commission's rules IS GRANTED as conditioned. Section 25.210(i) directs, "Space station antennas in the Fixed-Satellite Service must be designed to provide a cross-polarization isolation such that the ratio of the on axis co-polar gain to the cross-polar gain of the antenna in the assigned frequency band shall be at least 30 dB within its primary coverage area." HNS indicates that its SPACEWAY-3 uplink spot beams have been designed to meet a cross-polarization value of 23 dB across the satellite's service area. HNS claims the satellite will not receive signals from a specific geographic area on both polarizations at the same time; therefore, a design that specifies 30 dB of isolation would be more isolation than is required. HNS indicates that its operations at a 23 dB cross-polarization value will only impact HNS. Accordingly, we grant this waiver with the condition that operation of the SPACEWAY-3 shall not cause more interference to U.S. services being provided by any authorized system that is two-degree spacing compliant than would be caused if the SPACEWAY-3 complied with Section 25.210(i). Further, HNS shall not claim protection against interference to its operations caused by U.S. services being provided by the two-degree spacing compliant satellites if such interference results from failure of the SPACEWAY-3 to comply with Section 25.210(i) of the Commission's rules, 47 C.F.R. §

¹² 47 C.F.R. § 25.202(g).

¹³ HNS explained that the placement TT&C frequencies was due, in part, to the SPACEWAY-3 satellite originally being designed as one a fleet of adjacent Ka-band GSO satellites. As a result of this design, the particular TT&C frequencies were allotted to the SPACEWAY-3 satellite. At the point in time that the satellite was no longer planned as part of a fleet, to change the TT&C would have required a major redesign. See an email from Joslyn Read, AVP Regulatory, Hughes Network Systems, LLC, dated June 29, 2006, to Andrea Kelly, John Martin, Kal Krauthkramer, and Robert Nelson, Federal Communications Commission (June 29, 2006 email); Letter from Steven J.L. Doiron, Senior Director, Regulatory Affairs, Hughes Network Systems, LLC, to Kal Krauthkramer, Satellite Division, International Bureau, dated June 29, 2006.

25.210(i). Grant of this waiver request is consistent with our precedent.¹⁴

10. HNS shall prepare the necessary information, as may be required, for submission to the ITU to initiate and complete the advance publication, international coordination, due diligence, and notification process of this space station, in accordance with the ITU Radio Regulations. HNS shall be held responsible for all cost recovery fees associated with these ITU filings. We also note that no protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination and notification procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. *See* 47 C.F.R. § 25.111(b).

11. HNS must coordinate its Ka-band downlink operations with Federal fixed-satellite service systems, both geostationary and non-geostationary, in accordance with footnote US 334 to the Table of Frequency Allocations, 47 C.F.R. § 2.106. Absent a coordination agreement pursuant to footnote US334, HNS shall operate its Ka-band downlinks on a non-harmful interference basis with regards to Federal systems in the 19.7-20.2 GHz band and must terminate its Ka-band downlink operations immediately in the event that such operations cause harmful interference into operating Federal systems. In addition, HNS must accept interference from such systems absent a coordination agreement pursuant to footnote US334.

12. HNS must conduct its operations pursuant to this authorization in a manner consistent with the power flux-density requirements of 47 C.F.R. §§ 25.138(a)(6), 25.208 of the Commission's Rules.

13. The license term for the SPACEWAY-3 satellite, Call Sign: S2663, is fifteen years and will begin to run on the date that HNS certifies to the Commission that the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization. Accordingly, HNS is directed to provide its certification that the SPACEWAY-3 satellite is operational within 30 days of the satellite arriving at the its assigned orbital location.

14. HNS's request for a waiver of the requirement, with respect to IBFS File No. SAT-AMD-20060306-00025, in Section 25.116(b)(1)¹⁵ of the Commission's rules that major amendments be placed on Public Notice is DISMISSED AS MOOT.

16. HNS is afforded thirty days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

17. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47

¹⁴ Star One S.A.; Petition for Declaratory Ruling to Add The Star One C1 Satellite at 65° W.L. to the Permitted Space Station List, *Order*, 19 FCC Rcd 16334 (Sat. Div. 2004) (finding that the impact on neighboring satellite systems of a 3-5 dB difference from the required cross polarization isolation ratio would be negligible).

¹⁵ 47 C.F.R. § 25.116(b)(1).

C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the public notice indicating that this action was taken.

9-16. Name of Contact Representative

Name:	Raul R. Rodriguez/Stephen D. Baruch	Phone Number:	202-429-8970
Company:	Leventhal Senter & Lerman PLLC	Fax Number:	202-293-7783
Street:	2000 K Street, N.W. Suite 600	E-Mail:	sbaruch@lsl-law.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20006-
Attention:	Raul Rodriguez/Stephen Baruch	Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a1. Earth Station
- a2. Space Station

- (N/A) b1. Application for License of New Station
- (N/A) b2. Application for Registration of New Domestic Receive-Only Station
- (N/A) b3. Amendment to a Pending Application
- (N/A) b4. Modification of License or Registration
- b5. Assignment of License or Registration
- b6. Transfer of Control of License or Registration
- (N/A) b7. Notification of Minor Modification
- (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
- (N/A) b10. Other (Please specify)

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:	
<input checked="" type="checkbox"/> a. Fixed Satellite <input type="checkbox"/> b. Mobile Satellite <input type="checkbox"/> c. Radiodetermination Satellite <input type="checkbox"/> d. Earth Exploration Satellite <input type="checkbox"/> e. Direct to Home Fixed Satellite <input type="checkbox"/> f. Digital Audio Radio Service <input type="checkbox"/> g. Other (please specify)	
21. STATUS: Choose the button next to the applicable status. Choose only one. <input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier	22. If earth station applicant, check all that apply. <input type="checkbox"/> Using U.S. licensed satellites <input type="checkbox"/> Using Non-U.S. licensed satellites
23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities: <input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A	
24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s). <input type="checkbox"/> a. C-Band (4/6 GHz) <input type="checkbox"/> b. Ku-Band (12/14 GHz) <input checked="" type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.) Frequency Lower: 19700 Frequency Upper: 30000 (Please specify additional frequencies in an attachment)	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- a. Fixed Earth Station
- b. Temporary-Fixed Earth Station
- c. 12/14 GHz VSAT Network
- d. Mobile Earth Station
- e. Geostationary Space Station
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive Transmit-Only Receive-Only N/A

"For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a -- authorization to add new emission designator and related service
- b -- authorization to change emission designator and related service
- c -- authorization to increase EIRP and EIRP density
- d -- authorization to replace antenna
- e -- authorization to add antenna
- f -- authorization to relocate fixed station
- g -- authorization to change frequency(ies)
- h -- authorization to add frequency
- i -- authorization to add Points of Communication (satellites & countries)
- j -- authorization to change Points of Communication (satellites & countries)
- k -- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l -- authorization to change orbit location
- m -- authorization to perform fleet management
- n -- authorization to extend milestones
- o -- Other (Please specify)

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

Yes No

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?

Yes No

30. Is the applicant an alien or the representative of an alien?

Yes No N/A

31. Is the applicant a corporation organized under the laws of any foreign government?

Yes No N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? Yes No N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? Yes No
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Exhibit B

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances. Yes No

<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer. Exhibit D</p>	

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.

Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.

Yes No

Exhibit C

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

In this Amendment, Hughes revises the technical parameters for its 95W Ka-band satellite (Spaceway 3). It revises the technical proposal for the single satellite it proposed in its May 2005 modification application to substitute for the originally authorized deployment on two separate spacecraft at this location, reduces the amount of spectrum to

Narrative Statement

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
Pradman Kaul

-->

46. Title of Person Signing
Chief Executive Officer and President

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).**

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to jboley@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

43. Description. (Summarize the nature of the application and the services to be provided).

In this Amendment, Hughes revises the technical parameters for its 95W Ka-band satellite (Spaceway 3). It revises the technical proposal for the single satellite it proposed in its May 2005 modification application to substitute for the originally authorized deployment on two separate spacecraft at this location, reduces the amount of spectrum to be used, and proposes a 0.05 degree offset from 95W to comply with new orbital debris mitigation obligations. Details are provided in the Attached Narrative Statement and associated Schedule S submission.