

DUPLICATE

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In re the Application of)
)
Pegasus Development DBS Corporation) File No. SAT-LOA-20090807-00084

For Authority to Construct, Launch, and Operate)
A 17/24 GHz Broadcasting-Satellite Service) **RECEIVED - FCC**
Space Station at the 95° W.L. Orbital Location) **NOV - 2 2009**

To: Chief, International Bureau **Federal Communications Commission**
Bureau / Office

COMMENTS OF HUGHES NETWORK SYSTEMS, LLC

Hughes Network Systems, LLC (“Hughes”), by its attorneys, hereby submits comments in response to the above-captioned application of Pegasus Development DBS Corporation (“Pegasus”) for authority to construct, launch, and operate a 17/24 GHz-band broadcasting-satellite service (“BSS”) satellite at the nominal 95° W.L. orbital location.¹ Hughes is the licensee of a Ka-band fixed-satellite service (“FSS”) space station – SPACEWAY 3, FCC Call Sign S2663 -- that operates at the 94.95° W.L. orbital location. In other words, Hughes operates SPACEWAY 3 at the nominal 95° W.L. location Pegasus seeks in the Pegasus Application for its 17/24 GHz BSS satellite.

Hughes does not object to or oppose the Pegasus Application in any way. Instead, Hughes is submitting these comments solely to ensure that any authorization the Commission issues to Pegasus for a satellite at the 95° W.L. orbital location is appropriately conditioned on operation within an east/west station-keeping “box” that avoids all overlaps or intersections with the +/- 0.5

¹ Application of Pegasus Development DBS Corporation, File No. SAT-LOA-20090807-00084 (filed August 7, 2009) (“Pegasus Application”). The Pegasus Application was accepted for filing in Public Notice, *Policy Branch Information, Satellite Space Applications Accepted for Filing*, Report No. SAT-00636 (released October 2, 2009).

degree east/west station-keeping box within which Hughes operates SPACEWAY 3 at 94.95° W.L.

In its application, Pegasus indicates that it will maintain east/west orbital drift to within +/- 0.5 degrees.² There are two operating U.S. satellites at the 95° W.L. orbital location – SPACEWAY 3 at 94.95° W.L. and Galaxy 3C at 95.05° W.L. Adding Pegasus’s proposed satellite will require coordination and preplanning. Pegasus recognizes the presence of existing satellites, including SPACEWAY 3, and states that it “will physically coordinate its satellite operations with the two applicable operators prior to launch and operations.”³ Pegasus goes on to state, however, that “[p]ossible coordination solutions include agreeing to maintain tighter station-keeping volumes for the satellites, flying the satellites in formation, or operating one or more of the satellites at offset orbital locations.”⁴

Hughes urges the Commission, in acting favorably on the Pegasus Application, to expressly condition the grant on Pegasus coordinating with Hughes (and presumably with the operator of Galaxy 3C) to ensure that the station-keeping box for Pegasus’s DBS satellite does not overlap or intersect with the station-keeping box of the operating SPACEWAY 3 satellite.⁵ SPACEWAY 3 and Galaxy 3C already operate at offset locations, and an offset location for Pegasus that avoids both existing satellites would undoubtedly be acceptable to Hughes. Hughes reserves its right, however, to object to and oppose any “coordination solution” that would result in Hughes operating SPACEWAY 3 with a tighter station-keeping volume than it now employs, as that would require greater fuel use than Hughes has planned for and could shorten the operational

² Pegasus Application at Narrative Exhibit, p. 3.

³ *Id.* at Exhibit to Narrative Exhibit, p. 2.

⁴ *Id.*

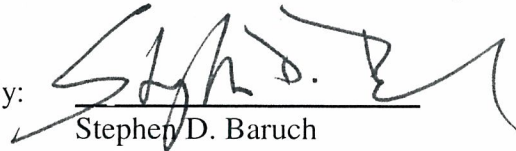
⁵ As the Pegasus statements quoted above are made in the context of the orbital debris mitigation plan description, and thus specify, pursuant to Section 25.114(d)(14)(iii) of the Commission’s Rules, only steps the applicant “plans to take” as an operator to avoid in-orbit collisions, it is unclear whether compliance with the statement becomes a condition of the Pegasus space station license upon grant of the Pegasus Application.

life of SPACEWAY 3. Hughes will cooperate with Pegasus to the extent practicable, but the Commission should specify that the onus of operating clear of SPACEWAY 3 and other operational spacecraft at the nominal 95° W.L. orbital location is on Pegasus.

Respectfully submitted,

HUGHES NETWORK SYSTEMS, LLC

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November 2, 2009

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CERTIFICATE OF SERVICE

I, Rochelle Johnson, hereby certify that a true copy of the foregoing Comments of Hughes Network Systems, LLC was sent by U.S. Mail, this 2nd day of November, 2009, to the following:

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