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WASHINGTON, DC

March 29, 2012

**VIA HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Hughes Network Systems, LLC**  
**File No. SAT-LOI-20111220-00242 (Call Sign S2849)**

Dear Ms. Dortch:

By this letter, Hughes Network Systems, LLC (“Hughes”) hereby responds to the February 28, 2012 letter from the Chief of the International Bureau’s Satellite Division requesting additional information from Hughes regarding aspects of the above-referenced Letter of Intent (“LOI”) submission.<sup>1</sup> Hughes filed the Jupiter 91W LOI in December 2011 seeking access to the U.S. market from a new Ka-band and V-band fixed-satellite service space station to be located in geostationary orbit at the 90.9° W.L. orbital location.

In the *Letter*, the Bureau seeks information on two general matters relating to the LOI: the status of Hughes’s launch and authority for Jupiter 91W under the United Kingdom Outer Space Act of 1986, and the continuing applicability of cited filings by the United Kingdom’s Office of Communications (“Ofcom”) with the International Telecommunication Union (“ITU”) to Hughes and Jupiter 91W.<sup>2</sup> Hughes provides the requested information below.

As of this writing, neither Hughes nor its subsidiaries operating in the United Kingdom have obtained authority for the Jupiter 91W space object under the United Kingdom Outer Space

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<sup>1</sup> See Letter from R. Nelson, Chief, Satellite Division, International Bureau, to S. Baruch and D. Keir, Counsel to Hughes (February 28, 2012) (“*Letter*”). Hughes’s LOI in File No. SAT-LOI-20111220-00242 was for a new Hughes-operated spacecraft, referred to as Jupiter 91W, that is authorized by the United Kingdom.

<sup>2</sup> See *Letter* at 1-2. Hughes had previously applied for an LOI for a Ka-band-only satellite at the same location. That LOI request was granted in June 2011. See *Hughes Network Systems, LLC*, DA 11-1067 (Int’l. Bur., released June 17, 2011) (granting LOI submission of Hughes for market access to the United States via a Ka-band Fixed-Satellite Service Satellite from the 90.9° W.L. Orbital Location, File No. SAT-LOI-20091110-00121). Hughes declined the authorization on July 15, 2011.



Act. Neither Hughes nor any of its U.K. subsidiaries have yet applied to the United Kingdom Space Agency (“UKSA”) for the authorization. Jupiter 91W has not been contracted for at this stage, and thus there is no satellite under construction, no agreement with a launch services provider, and no specific timetable for its placement into service. The UKSA application form calls for information – e.g., copies of satellite construction and launch services agreements, ground segment specification, and insurance costs – that Hughes cannot reliably predict or provide at this juncture.

Although an application to the UKSA for Jupiter 91W has not yet been submitted, Hughes does believe that the UKSA will find that there are sufficient ties between Hughes (through its subsidiary enterprises established and operating in the United Kingdom) and the United Kingdom to serve as the basis for eventual authorization by the UKSA. Hughes – which has several subsidiaries operating in the United Kingdom, a long-standing physical presence in the country, and over 100 resident direct employees of those subsidiaries in the United Kingdom – has sufficient ties to the United Kingdom to provide the UKSA a basis for issuing an authorization.

In its second inquiry in the *Letter*, the Bureau asks Hughes to provide information from Ofcom confirming that the ITU filings under the UKSAT-15 submission continue to apply to the Ka-band portion of the Jupiter 91W satellite, and to provide confirmation that the UKSAT-25 filing with the ITU relative to the V-band portion of the Jupiter 91W LOI was submitted by Ofcom on behalf of Hughes’s UK-based subsidiary. Ofcom’s submissions to the ITU of advance publication information and coordination materials for a Ka-band satellite network under the filing name UKSAT-15 at the 91° W.L. orbital location were, as has previously been reported to the Commission, made on behalf of the UK operator Hughes Network Systems, Ltd – a Hughes subsidiary that will have ultimate responsibility for the use of the filed frequency assignments.<sup>3</sup> The fact that Hughes sought and relinquished an LOI authorization for U.S. market access using a spacecraft that would implement the UKSAT-15 filings does not alter this fact or change in any way the ability of Hughes to seek anew an LOI for U.S. market access via a satellite using the same filings.<sup>4</sup> With respect to the status of UKSAT-25, Hughes confirms that the ITU filings have been to date, and will continue to be, submitted by Ofcom on behalf of Hughes subsidiary Hughes Network Systems Limited for the V-band portion of the satellite described in Hughes’s December 2011 LOI submission for Jupiter 91W.

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<sup>3</sup> See Letter dated September 1, 2008, from Stephen Limb, Manager, International Frequency Coordination, Ofcom, to Kathryn Medley, International Bureau, FCC.

<sup>4</sup> Hughes has not requested independent confirmation of this fact from Ofcom; the LOI process in the United States is immaterial to the status of the ITU filings under the UKSAT-15 network name that Hughes and its subsidiaries would use to implement the frequency assignments from the nominal 91° W.L. orbital location.

If there are any questions regarding the material provided above, or if any additional clarification is sought, please do not hesitate to contact the undersigned.

Respectfully submitted,




Stephen D. Baruch  
*Counsel to Hughes Network Systems, LLC*

Attachment

cc (w/Attachment): Lynne Montgomery, Esq. (by email)

**CERTIFICATION**

I, Steven Doiron, Senior Director of Regulatory Affairs for Hughes Network Systems, LLC, hereby declare under penalty of perjury that all statements of fact in the foregoing letter are true and correct to the best of my knowledge and belief.

By:   
Steven Doiron

Dated: March 29, 2012