

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

In the Matter of)
)
Hughes Network Systems, LLC) File No. SAT-LOI-20111220-00242
)
Letter of Intent Seeking Access to the U.S.)
Market Using a Planned Ka-band/V-band)
Geostationary-Satellite Orbit Space Station)

To: Chief, Satellite Division, International Bureau

REPLY COMMENTS

Hughes Network Systems, LLC (“Hughes”), by counsel, hereby replies to the Comments filed on March 26, 2012 in the above-captioned letter of intent (“LOI”) proceeding by Iridium Satellite LLC (“Iridium”). Iridium asserts that Hughes’s proposed LOI for the “Jupiter 91W” Ka-band/V-band fixed-satellite service (“FSS”) space station should be subject to conditions relating to Iridium’s use of the 29.25-29.3 GHz band at several U.S. earth station sites for the provision of feeder uplink services to Iridium’s fleet of non-geostationary-orbit mobile satellite service (“NGSO MSS”) spacecraft. Hughes disagrees.

The premise of Iridium’s Comments is that Hughes has an obligation to demonstrate that its eventual earth station operations in connection with the Jupiter 91W satellite will not cause harmful interference to Iridium’s uplink operations.¹ This is incorrect. Earth stations operating with geostationary-satellite orbit (“GSO”) FSS space stations are not secondary to Iridium feeder link operations in the 29.25-29.3 GHz band. They are to share the band – a

¹ Iridium Comments at 5.

point that is reflected in the Commission rules addressing coordination between Section 25.258, which specifically governs coordination of NGSO MSS feeder link and GSO FSS earth stations in the 29.25-29.5 GHz Earth-to-space bands.² Section 25.203(k) contains mutual obligations for earth station applicants for NGSO MSS feeder links and GSO FSS earth stations in this shared 50 MHz segment of the uplink band.³

Considerations relevant to the operation of earth stations in the 29.25-29.3 GHz band in communication with the Jupiter 91W satellite will be addressed in the earth station application(s) Hughes files to access the satellite from U.S. territory. That is the only place where such considerations will be addressed. To the extent Iridium seeks to condition the grant of the above-captioned LOI request in any way that goes beyond an acknowledgement that an earth station application for authority to access Jupiter 91W in the 29.25-29.3 GHz shared band must comply with applicable Commission rules, its comments are beyond the scope of the instant LOI proceeding and must be rejected. In particular, Iridium's proposed condition that "any construction undertaken by [Hughes] before the FCC considers this interference issue is at [Hughes's] own risk"⁴ is not acceptable. There simply is no basis in the Commission's rules to interpose such a condition in an LOI proceeding, and it is premature for Iridium to assert or even insinuate that there is an unresolved "interference issue" with respect to the ground segment operations at 29.25-29.3 GHz of the Jupiter 91W network. Rules are rules. A condition stating in essence that in this one case only, rules must be followed, is both unnecessary and counterproductive.

² See 47 C.F.R. § 25.258.

³ See 47 C.F.R. § 25.203(k).

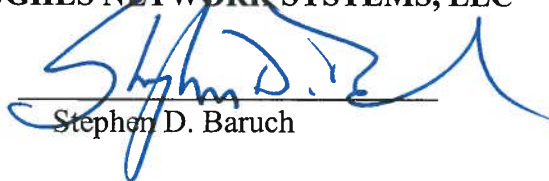
⁴ See Iridium Comments at 4.

In sum, Hughes agrees that there are obligations relative to Iridium's NGSO FSS feeder link system in the 29.25-29.3 GHz band that will have to be followed when earth station applications seeking authority to access the Jupiter 91W satellite are filed. Hughes has no objection to a statement in the grant instrument reminding Hughes and others that such regulations apply. To the extent that Iridium proposes to have conditions added to Hughes's LOI authorization for Jupiter 91W or to otherwise suggest that there is an unresolved interference issue relating to the as-yet unfiled earth station applications, Hughes urges the Commission to determine that such proposals and suggestions are misplaced and premature. Iridium's Comments should thus be rejected.⁵

Respectfully submitted,

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April 5, 2012

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⁵ Iridium raises the same points with respect to Hughes's request for a letter of intent authorization for a new Ka-band GSO FSS space station at the 97° W.L. orbital location. *See* Iridium Comments at 3-4, *addressing* Letter of Intent Submission of Hughes Network Systems LLC, File No. SAT-LOI-20110809-00148 (filed August 9, 2011) ("Jupiter 97W LOI"). Iridium had petitioned to dismiss Hughes's Jupiter 97W LOI submission earlier this year. *See* Iridium Petition to Dismiss, File No SAT-LOI-20110809-00148 (filed January 27, 2012). When Hughes opposed the petition, citing both the inappropriateness and prematurity of Iridium's earth station allegations, Iridium came in on reply and stated that it did not oppose the grant provided that conditions identical to those it requests in its instant Comments were instead interposed. Hughes did not have the right under the rules to respond further to Iridium's reply, but notes, now that Iridium has effectively withdrawn its petition to dismiss the Jupiter 97W LOI, that the Hughes's opposition here to any conditions on the LOI grant relating to forthcoming earth station applications applies equally to the pending Jupiter 97W LOI submission.

CERTIFICATE OF SERVICE

I, Deborah Morris, do hereby certify that on this 5th day of April 2012, I sent a copy of the foregoing "Reply Comments" via first-class mail to:

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Deborah Morris